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A STUDY OF SOCIAL MORALITY

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A STUDY

OF

SOCIAL MORALITY

BY

W. A. WATT

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PREFACE

IN this volume the main principles of the social virtues are simply considered, with the object of helping the reader to classify his conceptions of the whole, but without the emphasis being laid on the more speculative portions of the subject. The morality of our own time is kept in the foreground, and the truth popularly expressed by the phrase that morality cannot be learned from books freely acknowledged. The attempt is made to keep in touch with the doctrines of common sense, although in much of the book the idealistic sympathies of the writer will be noted.

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A STUDY OF SOCIAL MORALITY

PART I

THE STANDPOINT OF VIRTUE

CHAPTER I

JUSTICE

WE are sometimes warned against the mistaken enthusiasm of those whose sincere interest in the virtues of civilised life would lead them to attempt to form a complicated ethical code for practical guidance. How far this warning is needed, and how far, on the other hand, its iteration is open to a counter-protest from those who dread an "orderless" morality, are questions which cannot be satisfactorily decided at the outset of our investigation. But an ethical system of some sort—a resting-place, a few steps removed, as it were, from the details of life—is necessarily formed

by reflective persons; even by those who are most unwilling to be dragged into the darkness of moral legalism, or the mists of metaphysics. Our interest in morality demands so much. It is only when such systems become unduly arrogant, that their pretensions can be effectively attacked.

Here we propose to consider the prominent features of such a scheme, so far as social life is concerned, leaving the reader to adapt the outline to his own views and purposes. We shall survey the subject, first, from the standpoint of the main social virtues,—justice, benevolence, and the like,—without distinguishing sharply between duty and virtue. We shall then shortly notice the so-called self-regarding virtues, and the relation of duty to virtue; topics which we can hardly omit. Next, we shall survey the same ground from the standpoint of social organisation and institutions, indicating the organic working of moral principle there, and touching, finally, on the theory of the State. Each of our main standpoints — that of virtue, and that of social organisation — commands an outlook which possesses special features of interest. For the sake of convenience, a sufficiently prominent reference to topics which are "moral," in a popular and somewhat restricted sense of the word, must be maintained,

though our general view of the scope of morality will be a wide one, allowing it to assert its relationship to all social life.

We begin, then, with the consideration of modern justice; and we shall devote this chapter to distinguishing—in the condensed manner which such a subject necessitates—its main phases. We may notice, at the outset, the connection of justice with law; as such a course is well founded on precedent, and materially aids analysis.[1]

Assuming, for the present, that the laws are reasonably satisfactory, and fairly adapted to the society in which they hold good, we may ask whether respect for the whole law (in the popular sense of the term) is involved in justice; or whether, as is sometimes argued, some laws lie beyond its province altogether. It seems probable that a slight extension of the term "justice," at the most, is all that is necessary to make it include the legal system generally. This answer, however, suggests many minor points, and we shall take advantage of it in order to mention some of them.

[1] General reference may be made here to the typical discussions of justice in the *Ethics* of Messrs. Sidgwick, Stephen, and Mackenzie respectively.

First, justice is *primâ facie* a social virtue. Accordingly, difficulty is sometimes thought to be occasioned by laws which deal with "duties to God," or "duties to animals." It may be urged that there is a sense in which these duties fall outside of the circle of human affairs altogether. But, without entering upon the series of problems thus raised,[1] we may point out in a sentence that the tendency of legal philosophy is to give a distinctly social reference to such laws, and so attempt to solve the difficulty. And society is complex. Even the cognisance which the law takes of such a unity as the family—a group within the community—or of aliens, complicates the simple conception of justice between citizen and citizen viewed as the units of a city-like State. Next, when the claims of the State as a whole are thrust forward, a particular aspect of justice is brought into view, differing, relatively, from that of right as between man and man. This is clearly seen in criminal matters. In most crimes, an individual claim is outraged as well as a claim of the whole; but in purely political crime, for example, the offence against separate individuals, as contrasted with the whole society, may be reduced to a minimum. Yet we may

[1] Cf. Chapters VII. and VIII. *infra*.

term even the latter offences unjust. Punishment, too, has to justify itself as the reply to crime. Apart from ordinary crime, the legal claims of the whole society, when every individual can be readily seen to be a sharer in them, are more emphatically recognised as just, than those claims of the whole, such as the State's interest in humanity to animals, or even in the maintenance of a lighthouse, where the benefits flowing from them are more subtilely diffused among the mass. This is natural, and must be observed. Once more, it may be argued that purely administrative regulations —the machinery of law or of the State—have nothing to do with the substance of justice. Yet, what is necessary for the systematising of the substance must not be depreciated; its place in the whole must be recognised. Laws, like ideas, have hands and feet.

On the whole, though without pressing the point unduly, we may affirm that the central doctrines of law deal with certain central aspects of justice, and that the average man, not unreasonably, looks upon all as one system, believing that the various parts, so far as may be at the time, supplement each other.[1] As

[1] In connection with the whole subject, on its political side, cf. Chapter VIII. *infra*. Bluntschli's *Theory of the State* (2nd ed.), p. 318 *sq.*, also, is interesting.

regards the justice of International Law, questions may be raised as to how far it is strictly legal;[1] but there is a good deal to be said for the affirmative answer; and whether we are to regard it as an extension of legal justice or not, is not of importance for us at present.

In the next place, we may turn to questions which arise "beyond the law," still regarding the legal system as fairly adequate to the society to which it relates. And, pursuing a line of thought which naturally presents itself, we may place in this sphere, or on its borders, those cases where a man having a legal option to exact something from another as of right, finds a moral claim on the part of the other which ethically precludes the exaction of the full "pound of flesh." The latter claim thus acts as a set-off to the first. We generally regard such cases from the side of duty; but they must also be considered from the side of claims. One who satisfies such claims, then, at anyrate when they are generally recognised, does justly; he carries the principle of claims into a wider area, preserving the analogy of civil justice. Similarly, certain social penalties are visited on an offender for wrong done beyond the reach of the law, after the manner of

[1] Cf. Hall, *International Law* (4th ed.), p. 14 *seq.*

criminal justice. This recognition of a system of personal claims, family claims, and so forth, respected by right-minded persons from a sense of duty, is of importance. It aids the steady maintenance of a system in life, in opposition to the following out of arbitrary promptings. No doubt, the unique character of every truly moral action may be insisted on, and the ground thus prepared for an attack on the adequacy of a theory of claims. But we may leave this out of account in the meantime. When, however, indefiniteness obviously begins to attach itself to these just claims and duties; when the claims shade off into mere expectations or hopes, and the duties grow correspondingly thinner, we approach the borders of our province. What we owe to others; the giving of every man his due, are phrases which seem to imply the notion of a distinguishable claim. But even if it is attempted, while preserving this standpoint, to thrust the notion of a claim into the background, a certain systematic definiteness, reminiscent of the external action of law, seems to remain. This must be preserved, if justice, thus conceived, is to be prevented from passing over altogether into something else.

Accordingly, a tendency to leave a region for indi-

vidual activity beyond this ethical justice, is brought to light.[1] A man may do what he likes with his own, it is said, when the claims of others have been satisfied, or when his definite duties have been fulfilled. Yet it may be suspected that this statement will not prove to be ultimately satisfactory. What a man possesses, it may be urged, is only his to be applied to good uses; he holds his very soul, as it were, in trust for others, or for society. Here the underlying social reference is thrust forward, so that it dominates the whole. We shall consider such a view presently.

With regard to the obedience given to, or withheld from, laws which seem to sanction injustice, many considerations emerge which may lead the conscientious individual to the conclusion that the interests of practical morality, or even of ultimate justice, are best served by acquiescence in the course of action pointed out. Obviously, we should not ordinarily approve of the conduct of a man who resisted, beyond the limits allowed by the State, a number of petty legal igations imposed upon him, because they did not

may be suggestive to note that Bain's "Optional Morality" is led under the two heads of "a liberal performance of duties, so called," and "Pure Virtue or Beneficence." *Mental and* ences, ii. ("Theory of Ethics") ch. ii. § 4, note.

appeal to his individual conscience as fair. Indeed, "*Bon avocat mauvais voisin.*" The whole question is largely one of degree. In important affairs of public moment, persuasion of others is the course generally recommended as right to an aggrieved person in a constitutional country; by it a social change can often be effected without social dislocation.

The "*political*" and "*individual*" aspects of justice accordingly emerge into prominence. From the standpoint of the community generally, very important cases involving the determination of justice arise, where certain laws, or certain principles underlying the political or social organisation, are challenged as unjust by public opinion, or defended from such criticism. The administration of justice, in a wide sense of the words, is thus put upon its trial. And the formal elements in such administration (which it would be quite impossible to ignore here) may perhaps be elucidated by our noticing the conceptions of Equality and Equity: from which we shall find it an easy transition to the more important idea of Freedom.

Equality often presents itself as a challenge to what is felt to be unjust. It appears[1] in the popular phrase

[1] Cf. on equality generally, Ritchie's *Natural Rights*, ch. xii. "Equality before the law" is, of course, particularly a problem of

of "equality before the law," which frequently means that special class privileges and immunities are not to be recognised in the legal sphere. The historical aspect of these privileges and immunities is thus suggested. The idea of the legal *person*, however, with its individual emphasis, must be regarded as the centre of interest for us. An equal recognition of legal personality throughout the whole community is, unquestionably, a most important interpretation of equality for modern life. It must be observed, nevertheless, that legal personality cannot be allowed to all individuals equally, in practice. Children, for instance, must be ranked by themselves. And, from various points of view, attention may be directed to special classes, whose members, it may be more or less plausibly argued, should be separated, as regards legal capacity, from the average man. The distinction indicated may be called that of *status*, in one sense of the term; or we may distinguish, simply, between normal and abnormal persons in their legal power. When the question is regarded more particularly from the point of view of modern *status*, intricate problems

jurisprudence. Seven "practical meanings" of equality are discussed by Dr. M'Kechnie in *The State and the Individual*, ch. xxiii.; *i.e.* civil equality, political equality, equality in freedom, religious lity, moral equality, social equality, equality in wealth.

arise as to what really constitutes a differentiation of *status*, as opposed to a less fundamental modification of personality; but into such subtleties we need hardly enter.

So far, we have considered legal equality. But with it is naturally associated political equality. If we attempt to harmonise private and criminal law with administrative and constitutional law, a wide vista, from this standpoint, legal, is opened out. And it may be asked, for example, how the idea of legal equality is affected by a principle of "Administrative Exile." The different branches into which law naturally breaks up, in short, have to be systematised—which is not an easy task. We may restrict typical political equality, for many purposes, however, to equality in suffrage and in elegibility for office. On the importance of these claims we need not enlarge. In many cases, when the demand for equality takes a distinctively political direction, stress is specially laid on them.

Again, the demand for equality may be widened to one for social equality—an equality of social recognition. This conception in itself is somewhat ambiguous. It may, however, define itself by taking the form of a claim for equal economic opportunity, and for

laws which are equal in the sense that they will, so far as possible, secure that end. Or it may take the form of a demand for equal social conditions, which are to be permanently preserved in spite of the tension that tends to upset them.

We thus arrive at far-reaching assertions of principle which are not easily discussed in a few words. But equality, as an abstract conception which can *primâ facie* be admitted to be reasonable, probably resolves itself into a claim for social adjustment in view of the fact of the rational nature of the members of the community. It represents the common rationality of men. Such a claim may in turn be extended to a demand for proper relations among all mankind viewed as possible members of a rational society. The formal element of equality, then, though somewhat vague, is based on a primary social fact; and, at anyrate, tends to break down artificial restrictions when they are seen to be such.

Equity,[1] again, reveals the attempt to correct an acknowledgedly imperfect view. We may approach

[1] For a classical statement regarding legal equity, which has been criticised by more recent writers, see Maine's *Ancient Law* (14th ed., p. 45; for the analytic view, see Holland's *Jurisprudence*, ch. v.; and for an excellent discussion of the whole idea of equity, Clark's *Practical Jurisprudence*, pt. ii. ch. xv.

its meaning as an ethical term by considering it as the reasonable modification of a rule, or as a reasonable view of the case—the adjustment of the letter to the spirit. It may sometimes, indeed, refer to the conscientiousness with which an individual decides, in passing judgment; but its general reference is rather to modifications introduced by way of adequately carrying out a principle. It is, again, often compared to the conception of fairness, with which it has much in common. And indeed, in its influence on justice (in so far as we can regard it as a sort of mentor to the latter virtue), it might be looked upon as stimulating justice to be fair, or as stimulating justice to be reasonable, not formal, according to the view which recommended itself to our general philosophical notions.

These analyses are of conceptions which are closely associated with our subject by common sense. Another conception which will serve more clearly as a basis for constructive treatment may be called that of individualistic freedom. Here, it is often argued in effect, the roots of justice really lie. In jurisprudence we find an often-repeated hypothesis of each individual possessing, as it were, a sphere or territory within which his will is independent of the will of others. Such a view

may be interpreted in many ways. Let us accordingly think of this territory, for a moment, not as a fluctuating area determined in extent by society, but in the manner which the metaphor directly suggests. Every man, it may then be said, within the territory of his own will, is free. But he must not infringe the territory of another's will. This is equal freedom; it is also equitable freedom. When conflict arises, however, the limits of the several spheres must be marked off; and such a process may be regarded as one of compromise. Now, as men, in developed communities at anyrate, are very closely associated together, the whole system may be regarded as ultimately one of compromise, or, for the most part, of compromise. Of course, this compromise need not be considered to be a deliberate social compact in any contractual sense. It may be regarded as a growth, and as a necessity. But the individual does not, in this view, retain a permanent natural right to his own territory of will — though extreme individualists would give him what is very nearly a natural right to some parts of it. He has, rather, a right founded upon mutual adjustment among the members of the community.

"Take any demand," says Professor James, in phrases whose pungency tempts us to quote them,

"however slight, which any creature, however weak, may make. Ought it not, for its own sole sake, to be satisfied? If not, prove why not. The only possible kind of proof you could adduce would be the exhibition of another creature who should make a demand that ran the other way."[1] "If not, prove why not," is, of course, a useful principle in some connections, provided we have really got claims before us. But the attitude indicated is very individualistic. *Recognition* must be emphasised. How the general conception may be said to work itself out in law, has been amusingly illustrated by Sir James Stephen, who has formulated the following rules: "Thou shalt not commit crimes. Thou shalt not inflict wrong. Thou shalt perform thy contracts. Thou and thine may keep whatever you can get."[2] Here egoism and altruism are summarily conciliated. And if we add the vaguer rule, "Thou shalt pay attention to certain demands which are not legally enforceable," we really obtain a not inadequate scheme of justice as based on the analysis of claims and obligations, and the idea of individualistic freedom.

But, it may be urged on the other hand, we have

[1] *The Will to Believe*, p. 195.
[2] *Liberty, Equality, Fraternity*, p. 233.

emphasised that idea too strongly. The individual, it may be said, must, no doubt, have his place in the whole; but let us start with society. Accordingly, we may consider justice—and not justice only, but all morality, if we are prepared to press our hypothesis so far—from the evolutionary point of view, as giving the conditions of social health; or, we may consider a scheme of justice, or a moral ideal, as giving the rules under which society, in its surroundings, lives without friction, or is in such equilibrium that no part encroaches on the rest.[1] Social adjustment and equilibrium are, in the latter case, the specially pro-

[1] According to Professor Alexander's interpretation of moral order: In society, "good" implies a plurality of persons, each with a definite work adapted to the rest. The order of conscious agents, which makes the social ideal implied by the predicate "good," is doubly hypothetical. "It implies, first, that in the act in question every member concerned is good, a condition never true in fact." Secondly, "it supposes society to be statical and unprogressive," which is not true. "This ideal picture is the picture of a society moving through a cycle of changes which are within the cognisance of the moral judgment, a social order in mobile equilibrium marked by the rhythmical periodicity of all its functions." *Moral Order and Progress* (3rd ed.), bk. ii. ch. ii. §§ 14, 15, and 31. (For "Progress," see bk. iii.) Contrast Davison's statement: "Conscience and the present constitution of things are not corresponding terms; it is conscience and the issue of things which go together." Quoted in *Literature and Dogma*, ch. xi. § 4. See also Mackenzie's *Ethics* (3rd ed.), p. 243 *seq.*

minent conceptions. This view may be usefully compared with the juridical notions of complexes of rights arising in the intercourse of persons, and the legal determination of these rights and their effects as marking out the spheres of will of which we spoke.

How, then, does the individual fare, as a separate unit, in such a view of morality? Obviously, it is difficult to answer the question in general; but when civilised society is regarded as highly organised, and is seen to imply a distribution of functions, organic action on the part of the individual is necessitated. The last step is taken, says Professor Alexander, writing from the evolutionary point of view, when the social character of morality receives its full significance. The conception of the determination of the *moral individual* by *social function*, he points out, was embodied by Mr. Stephen in the idea of "social tissue," which was for the latter the connecting medium between the individuals. Whatever reservations may be needed before Mr. Stephen's details are accepted, the critic affirms, it is certain that the problem here is rightly conceived. And the same is true of Clifford's conception of "an extended or tribal self."[1] We have, then, the individual, as moral, performing a social

[1] *Moral Order and Progress*, bk. ii. ch. i. p. 93.

function. With this conclusion we may relinquish the line of thought suggested, for the present. We shall have occasion to inquire further into the nature of society, and to trench on the borders of a theory of teleology. But it is sufficient at this point to have placed the idea of freedom in relation to that of an organic society.

Returning to our main subject, we may supplement our view of freedom by fixing our attention for a moment on the distributive aspect of justice. To get what we need, it may very plausibly be said, approximates to justice here,[1] but we may turn to an ideal on which reliance is perhaps more often popularly placed. It may be argued that (apart from punishment, which we may ignore just now) the aim of justice in this connection is to secure the distribution of rewards for services; and that services should be requited according to their worth. All the members of society are, according to this view, as a broad but fundamental principle, to be rewarded in proportion to the intrinsic worth of their various services. The modern system of industrial life is often said

[1] Cf. all doctrines which lay stress on the worker's needs. "The payment made in wages can never be the equivalent of the product of work, but merely a substitute for the necessities of life requisite to the accomplishment of it" (Wundt, *Ethics*, i. § 164).

to approximate to this ideal, with necessary modifications, through a process of self-adjustment; and is perhaps oftener condemned for not approximating to it as nearly as is possible. One rendering of the idea is given in the formula, "To every one according to his capacity, to every capacity according to its works." "It has at least," says a recent critic, "the great practical merit of supplying a more or less visible standard, and at the same time providing us with an adequate motive—not, indeed, the highest motive, but also not the lowest — for the cultivation and use of our abilities."[1] The difficulties which meet us in the mental attempt to work it through industrial life, however, must be admitted to be very great; these are doubtless more or less familiar to the reader. The "visibility" of the standard is not the same thing as its practicability. And the quotation shows how the question of quality of motive, which leads us to the characteristically moral sphere, where social machinery is not supreme, arises. This has to be kept in mind. "Reward," we soon find out, is an ambiguous term. Whether, then, we represent the principle as socialistic or bourgeois in its essence, it must be looked at from these two points of view.

[1] Professor Mackenzie, *Social Philosophy* (2nd ed.), p. 296.

Distributive justice, however, not only has its difficulties to face, but the term itself may be applied in different ways. If we take the phrase "commutative justice" as applying in modern times to parties, such as two persons, or States, whose relations *inter se* are *primâ facie* external, and as dealing wholly, or characteristically, with matters of exchange, we reach a quasi-legal standpoint sometimes adopted. The limits of this commutative justice may then be considered to be of importance, as that virtue may be made the basis of a *theory of restitution*. And it will stand out in contrast to distributive justice in a restricted sense—the latter being justice exercised, typically, by the community or the State. Our "decorations" and our property thus fall into different categories, and subtle distinctions are multiplied which are not without their fascination.

So much for these general ideas. We shall now advance into the region of individual claims, or what is popularly so called; and in it we shall note as important points for modern civilisation: first, the scheme of law; second, respect for expectations; third, the class of restraints which have been called by Mr. Spencer "negative beneficence"; fourth, reparation. Crime we shall consider afterwards.

It is hardly necessary, indeed, in such a survey as the present, to consider the scheme of law; but some readers may be interested by our bestowing a passing glance on it. If we take the three important departments of private, public, and international law, without stopping to consider the technical question whether another department ought to be added to them for purposes of jurisprudence, it is obvious that (apart from the manner in which crime appeals to some imaginations) it is the first of these which dominates popular thought in its use of the term "legal." Now, private rights may be subdivided in various intricate ways; but we shall merely mark out some characteristic groups. As a preliminary, however, we must observe that a certain amount of general matter centres round the idea of the person; matter which may be extended so as to include a consideration of the position of all legal personalities which can be broadly distinguished from the average or normal type. We saw this in our previous consideration of equality. Characteristic groups of rights, then, are represented by the following list:—Under the first main division we place all rights "against the world":[1] rights against the world in respect of one's own personality; rights against the

[1] *i.e.* "rights *in rem*."

world in respect of other human beings; rights against the world in respect of animals and things. Under the second main division we place rights against definite persons,[1] flowing from contract; and rights against definite persons, apart from contract. Two special branches of law may be added by way of Appendix, dealing with family law and succession. But, as law develops, the Appendix can be conveniently extended far beyond these heads, to meet the demands of expediency. Moreover, it is plain that the rights which flow from legal remedies must be particularly considered, if these are not assumed, all through, to be connected with the various topics primarily discussed. Lastly, forms of procedure must be mentioned.[2] Taking, then, the groups of rights just enumerated, we may single out from the first, rights to personal safety as a characteristic sub-group. It is obvious that we cannot live without these. The second group surrenders much of its material to family law, if that is separately treated. From the third we may single out rights of ownership as specially important. This arises from the fact that ownership, considered in its largest sense,

[1] More accurately, "rights *in personam*."

[2] Cf. generally, Hunter's *Roman Law*, Holland's *Jurisprudence*, Herkless' "Analysis" in *St. Mungo's College Calendars*.

may be regarded as the means by which a man's personality is extended through the objects of the outward world, and his identity, as it were, shadowed forth in things. It has often been described, rather too widely, perhaps, as the full control over an object. The ideas of a moral right to the fruits of one's labour, and of some moral right to appropriation of what is no one's, are generally considered to be the important principles at the root of the so-called individualism of this subject. But, of course, such principles can be viewed in many lights. In the last two groups, contract supplies the most important series of rights. And, finally, the law of succession is full of thorny places for the theorist who has his eye on the coming generations.

Now, we do not propose to follow this legal scheme of rights into any detail. Such distinctions as those given are probably not the best for general social treatment.[1] If, however, we combine in one general view the principle of private property with that of contract, as they hold good in modern life, our attention is directed to freedom of contract, as one suggestive aspect of legal freedom. It implies the obligation to

[1] Historically, much light may be thrown on the affinities of rights by the study of particular so-called "natural rights." Those of life, liberty, contract, property, equality, resistance, are important. They are discussed in Professor Ritchie's *Natural Rights*.

fulfil one's contracts, and, almost as clearly, a certain general rationality in entering into them. Without a wide sphere within which individuals can enter into agreements, and without the enforcement of serious engagements, modern civilisation would hardly be recognisable. But the limits set to the recognition of contracts, for legal purposes, are marked. The chief kinds of unlawful agreements then may, from our present point of view, be summed up in the following well-known categories:[1] those whose purposes are contrary to law as such; those whose purposes are contrary to morality of which the law takes cognisance; and those whose purposes are against the common weal. Recognised purposes of the last class may prejudice the State in its external, or in its internal, relations, or—as commonly stated—may tend to the improper interference with the actions of individual citizens. The last two points form, of course, important centres of conflict in social theory. If for the internal relations of the State we substitute the internal relations of society, a very wide vista of possible interference with contract is opened out before us. That the community is concerned in maintaining a minimum standard of life, for example, and

[1] These are practically Sir F. Pollock's divisions.

that no united interference on the part of the community is undue which is necessary to secure that end, is a principle of internal relationship which collectivism would thrust very prominently forward. The collective control of the means of production, it may be urged in extension of this principle, forms a basis for regulating the idea of property, rendered necessary by the conditions of life and the mechanism of industry. Here we penetrate into the heart of ownership. And even though the conclusion thus reached, in its ordinary significance at anyrate, may be rejected as a drastic and unsafe cure for social ills, the truth of a collective interest in life being inextricably blended with individual freedom, if that freedom is ever to have any positive value, will probably be recognised. Again, from a different standpoint, we obtain a glimpse of the difficulties with which the idea of freedom, as related to that of the lawful action of individuals, is surrounded when we notice that freedom of contract may threaten the legitimate freedom of individuals. Here we find that restrictions are laid on an apparent freedom which threatens what is felt (rightly or wrongly) to be a juster freedom. The whole problem is, in fact, double-edged. "Alike in the world of capital and in the world of labour," urge Mr. and

Mrs. Webb, "individual freedom of contract leads inevitably to combination, and this destroys free competition between individuals."[1] The law, it is generally maintained, must keep on a negative line. To the general problem of State interference we shall return, however, in another chapter.[2]

It is remarkable how frequently legal freedom appears as the antithesis of slavery. There have been many discussions as to what precisely constitutes the latter fact. But in the plenary relation, it will probably be admitted, the master is *the owner* of the slave. The nearest legal category to that of master and slave, in other words, is ownership. Nevertheless, in many systems of slavery the position of the slave is to a very large extent ameliorated. If a slave has, for legal purposes, some of the characteristics of a human being, it is, of course, almost impossible to treat him merely as a "thing." On the other hand, it is difficult

[1] *Industrial Democracy*, ii. p. 689: "If we desire to maintain free competition between individuals" (they proceed on more extreme lines), "the only conceivable way would be such a State interference with contracts as would prevent not only every kind of association, but also every alienation of land and every transfer of small businesses to larger ones, which would in anyway cause or increase inequality of wealth or power." On contract see the author's *Theory of Contract in its Social Light*, especially chs. iv. and v.

[2] Chapter VIII.

to determine precisely when the encroaching power of the master transforms the servant into the slave. The abolition of the legal status of slavery, as a factor of civilised life, naturally leads to a consideration of forms of service which still exist, but are criticised by some as amounting to practical slavery. The idea of a position of *dependence*, then, becomes significant. A class may be so dependent on another class, or on a combination of classes, that the spirit which has condemned literal slavery still seems to be outraged. Legal conditions, it may be said, are here working with economical conditions to produce an immoral domination. Dependence, however, is to some extent at least the outcome of a man's character. It may be true, in certain circumstances, that social conditions are so organised that with the best character in the world a man cannot become, in a reasonable sense of the word, independent. But it is also true that, even with sufficient opportunities, a servile character will remain servile. Whether the problem which progress holds out to us can be satisfactorily attacked by attempting to introduce ameliorative remedies along existing lines, is, of course, keenly disputed.

A few words may be added on the coerciveness of law. A morality (in its narrower sense) which is

dominantly coercive, and particularly a coercive benevolence, are conceptions which bear little weight in our modern world. We have come to recognise that in the sphere of the higher moral ideas, at anyrate, persuasion, and not force, must be master. True benevolence seeks that others should act from moral motives. The effect of fear is to produce rather a caricature of moral action than moral action itself. Yet this principle must be supplemented by explanations, if not by actual modifications. Discipline is important, and in so far as constraint may be used, as discipline, to foster indirectly moral character, it must be associated with benevolence. As a matter of fact, the force of public opinion, to use an expression which is not wholly metaphorical, is continually operating in society; and legal justice is closely connected with the enforcement of law in organised tribunals. Such force is partly stimulative, partly protective. It keeps up social routine, and spurs on the "system of life"; and the good citizen, even though he may on occasion feel inclined to rebel against it, generally approves. It also, in extreme cases, applies repression in a more unqualified way, yet not without recognising the social nature of the person repressed. Thus although it is doubtless the part of the good citizen, in ordinary circumstances, to do his legal duty

willingly, it would be carrying the idea of the persuasion to be applied to the individual units of society altogether too far to conclude that the law must be prevented from enforcing a legal duty, because enforcement, as such, ought not to be necessary for a moral agent. Of course, imperfect laws can for the most part, in developed communities, be altered in certain approved ways; but the law's adjustment to the individual conscience is never quite perfect.

We pass on to consider those duties which arise from mere expectations — a vague term that covers a multitude of cases. Expectations may be called legitimate, or natural, or even simply moral, according to one's standpoint. Strictly, perhaps, it is only when conceived as less binding than claims, that such cases ought to be called expectations. But practically they overlap the sphere of claims. They are "legitimate" when the substance of justice as embodied in juridical or moral law seems to sanction them. They are "natural" when a relatively permanent social order supplies the necessary sanction. They are pre-eminently moral when the unfolding of a moral end in consciousness shows that forbearances can morally be expected of us to which we have hitherto paid no attention. If we are prepared to accept justice as

embodying itself all through the family relations, the expectations of a child to receive alimentary support, education, a start in the world, a moral "set" to its character, from its father, form a graduated series of examples, in which the *claim* is markedly prominent at the beginning and shades off at the end.

This branch of our subject, again, suggests the vexed question of "vested interests." Taken generally, the latter involves the justice of progress as a whole. Taking it less widely, we may ask upon what principle the introduction of new laws which make serious changes in society's framework may be vindicated. Our attention will, then, be concentrated on those laws which affect the existence of rights either by abolishing important legal institutions, and therefore the relations subject to them, or by essentially modifying these institutions. The extreme form of objection to such changes may be summed up in the statement, that every violation of a right which anyone has acquired is a moral wrong, unless it has the sanction of the person interested. And the main answer to that argument is found in the relativity of all social institutions, including the legal system itself, to the changing conditions of society. Practically, great stress is laid on the fact of death sweeping away the claims of the affected

persons. These considerations have been very clearly pointed out by Savigny.[1] But he adds a necessary word of caution. The denial of the absolute injustice of such laws, he says, by no means implies the desire to allow them unrestricted influence. They must be formulated considerately; they must be carried out fairly, even tenderly. Of course, compensation is the great healer of the wounds which they occasion.[2] It is a similar idea which leads so many advocates of temperance reform, while denying any right on the part of the holder of a "liquor licence" to compensation for non-renewal, to urge the giving of a time-notice to him, with compensation if the period of notice be anticipated.[3]

[1] Guthrie's *Savigny's Conflict of Laws* (2nd ed.), § 57.

[2] The above deals with the legal sphere; but in the purely industrial sphere we find such proposals as that of Professor Patten, that "if social changes take from the labourer by making him worth less to society, State activity should be increased enough to compensate him." The *direction* of the State activity, however, must be controlled by the general welfare. *Intern. Journal of Ethics*, i. No. 3, p. 367. See also *Industrial Democracy*, ii. 565 *seq.* "Whatever fate may be in store for other forms of vested interests, the modern passion for progress, demanding the quickest possible adaptation of social structure to social needs, has effectually undermined the assumption that any person can have a vested interest in an occupation" (p. 572).

[3] Cf. *The Temperance Problem and Social Reform*, by Rowntree and Sherwell (3rd ed.), p. 333.

Akin to respect for expectations are certain so-called restraints which civilised morality bids us observe in our dealings with our fellows, lying for the most part beyond the law, which, if treated as restraints at all, may be treated as an aspect of moral justice, or as negative benevolence. Restraints on legally recognised forms of competition, at which we have already hinted, and restraints in certain doubtful uses of private property, are examples. The question raised by those gratuities known as "tips," which has a casuistical charm for some, may be mentioned in this connection. It is perhaps mainly useful in leading us to analyse our conceptions of the relation of justice to generosity. For practical purposes, the actual influence which the fashion of giving such gratuities—for it is a fashion—is exerting in our own immediate environment, must probably determine our views of it.

Reparation, in its usual sense, implies that a claim has been violated, and that a remedy is demanded for what has been done, from the standpoint of the possessor of the claim on the one side and the violator on the other.[1] The reparation demanded may vary widely

[1] The idea of a "remedial right" in modern phrase—may be compared and contrasted with Aristotle's idea of corrective justice. See discussion of the latter in Stewart's "Notes" on bk. v. ch. 2, §§ 12 and 13 of the *Nic. Ethics*.

in different cases; and, although it is often said with some truth that a moral wrong can never be really atoned for, moral justice seems to recognise reparation as an idea with which it cannot dispense. It forms, in short, an obvious part of the principle of adjustment of claims, that those which have been encroached upon should be, as far as possible, remedied by restitution or in some similar way. Nevertheless, it is clear that when stress is laid on the ethical aspect of this adjustment, many casuistical problems are raised which are not very easily answered. How far, we may ask, does a man's duty in the way of reparation extend? He is liable for wrong which he has blamefully caused, — that we may take to be customarily admitted. Is he also liable for harm which he has recklessly caused? And if he is not liable for harm which he has "ignorantly" caused, what kinds of ignorance are to exculpate in our moral court of decision? It may be well to note that there is a tendency to put a firm practical limit to what we may call the lower and more material duties of atonement. The exact amount of injury done cannot be measured, yet some sort of finality must be recognised.

On the whole, then, reparation must do its work.

It may be true that a man in injuring others injures himself. But we cannot rest wholly on that, as society at present stands; a more positive settlement of the claims of the injured must be recognised. With reparation we may class the idea of prevention of injury, in the sense of a man's protecting himself against a threatened disturbance of his claims. Justice allows that an individual should take reasonable steps to protect himself, or to have himself protected, when danger is anticipated.

We pass now to the idea of punishment, which, of course, is not to be confused with that of reparation; though it seems to some modern thinkers as if the dividing line between the two, so conspicuous in our legal thought, had been almost too sharply drawn. The student who approaches the subject with some practical interest will be well advised to adopt, at the outset at anyrate, a somewhat catholic view. Beginning with the legal aspect of the case, we may look at the ends to which punishment seems to be directed, thus. The idea of reformation is subordinate, as the improvement of the criminal's morals is obviously not the main thing desired; yet it cannot be wholly ignored in adjusting details. And when the criminal is regarded, in accordance with some recent tendencies,

as an abnormal type of man, who needs, in view of his constitutional peculiarities, to be treated in a far more scientific manner than is usually done, the reformatory end naturally blends with the notion of preventing the offender from repeating his crime by putting him into restraint adapted to his particular defects. The prevention which restraint exercises, must, in any case, be regarded. But it is much more necessary to bear in mind the fact that all criminal punishment—apart from the degrees of severity which are shown in it—ordinarily acts as a public assertion on the part of the State against a man who is not wholly dissociated from his fellows as abnormal in type. It is the action of society as a whole against, and, as it were, triumphing over, a violation of public order. It implies public censure; the vindication of a claim which society puts forth as a whole. It rests, in this aspect, on the principle that the offender himself is a sharer in the social order which he has outraged. Yet, if that be admitted as a general truth, it must also be admitted that the scale of punishments which is supposed to embody justice approximately, is determined largely by reference to minor considerations and details. A chief weapon used for the purpose of repression is deterrency — a system of threats promulgated, and if

necessary carried out, against those who are near the borders of crime. This is probably the right weapon. The notion that the pain inflicted on the offender corresponds, or ought to correspond, to his exact moral guilt, represents a doctrine that has often been, and does not need to be again, refuted. It is impossible for the State to measure precisely the moral guilt of the criminal. There is, however, a general, and very natural, feeling that the State's punishment must be proportioned to some sort of "guilt"—in a word, to the legal guilt of the offender. And this idea may be reached by considering the gravity of the offence—its gravity from the State's point of view, as a violation of public order. It is probably not desirable to press moral considerations further than that, unless they can be regarded as affecting legal guilt indirectly. We have, then, adopted the deterrent end, or rather a modification of it: the enunciation of a social threat, directed against the violation of social order, and determined essentially by the considerations which make up the necessity for the preservation of order in various cases. The maintenance of social conditions is here made the ground of the justice of punishment.[1]

[1] These views are set forth more fully in the *Internat. Journal of Ethics*, vol. viii. No. 2, p. 157.

So much for the legal side. In all kinds of punishment some analogy to the juridical view seems to be involved. In the ideal punishment which is appropriate to moral guilt, or ill desert, we have a law or order more or less clearly conceived; and a violation of it is held to justify penal consequences. The idea of the law, and the transgression of the law, may shade off into other ideas: into the conception of fatherhood, or into the conception of the violation of one's own nature. Then punishment alters its meaning, or becomes inappropriate. In the case of a violation of one's own inner nature, the unity between the ideal violated and the offender himself is felt to be very close, and the evil act is seen in the light of self-mutilation.

The idea of fatherhood is also important. The attitude of sonship combines in some measure respect for rules or orders which are above us with love for the authority who enunciates them. The violation of a reasoned system, rather of ideals present to another, than of rules laid down by him, yet conceived in our own interest, is set before our minds. It induces a moral attitude on our part, which, while it may still accept punishment as justice, subordinates that idea to an anxiety, which ought to be experienced, to

preserve the ideal revealing itself through the paternal relationship. And, in dealing with children in family life, it is reasonable to set some such conception before us.

Similarly, in society we see that when the State protects itself, by repression, against the wrong-doer, we tend to regard its action as emphatically in the interests of justice, because then the strain of social relationships is apparent. When, however, we conceive of a harmonious outflow of public life, or the development of a more harmonious human nature, other terms are felt to be more appropriate. The guiding star of justice loses its light.[1]

In the sphere of detailed criminal action there is, of course, no lack of interest for the student. But it is hardly within our province to attempt to classify offences which are, or might reasonably be, recognised as criminal in our own day. A main distinction is usually drawn between offences by which the State,

[1] The "quality of mercy," so much admired, seems to depend on the following considerations. In some instances the question of justice seems to be not strictly relevant; in general, sympathy is much appreciated as raw material of great importance to moral life: often, doubts arise as to the ultimate nature of the penal idea. If "punishment is the other half of sin," mercy may be the "other half" of punishment.

or the community generally, is directly injured, and offences which are primarily directed against individuals. In the latter class, we find offences against reputation, when these are regarded as criminal; violence to the person in its various degrees; offences in respect of property; offences arising from fraudulent misrepresentation and swindling. Probably the study of crime is most suggestive to the ethical student when pursued in relation to one specific system of law, living or dead.[1]

If we cared to survey the borders of modern criminal law for points of ethical interest, we might take duelling as the type of an act which still strives to free itself from criminal opprobrium in the face of common sense. Its prohibition, of course, emphasises that respect for life which is embodied in the very weighty command that "thou shalt not kill," privately. Unquestionably, where the custom is adverse, the difficulty of avoiding a duel may be very great, and the con-

[1] One general point may be noted: "Nowhere is the working of what may be called the modern spirit in regard to crime more clearly seen than in the lenient treatment of infanticide. The tendency is to view mercifully the killing of a child in hours of pain, and probably, solitude, misery, and shame" (*Journal Soc. Comp. Legislation*, N. S., v. p. 350). Here, of course, the idea of the sacredness of human life is fully understood, though it suffers a real or apparent check in its application.

sequences ruinous. The prejudices which seek to perpetuate duelling as the mark of some special virtues characteristic of a class, do not seem to be worthy of detailed consideration.[1]

In elucidation of the individual side of justice, on the other hand, to which we must next turn, we may notice, first, that the two virtues of justice and benevolence have often been compared as regards their emotional characteristics. It has been suggested that in strict justice the bloom is wanting which is seen in social virtue at its best;[2] again, that benevolence is justice "touched with emotion";[3] once more, that distributive justice (on one side) is a sort of universalised gratitude; all of which phrases—if we assume that the specific emotion of gratitude is dissipated with its being universalised—point to an emotional

[1] The more interesting subjects of the "duel of law" and the "duel of chivalry" are admirably treated in Mr. Neilson's *Trial by Combat*. Trial by battle faded before civilisation. But "even when the end came, so venerable an offspring of a deep-seated human instinct of strife could not wholly die. It left behind, to carry on the old barbaric line, a bastard scion, the private duel" (*Op. cit.* p. 18).

[2] A question parallel to that of whether the bloom in virtue in the form of temperance, courage, etc., is absent from the corresponding justice of Aristotle. See Stewart's "Notes" on the *Nic. Ethics*, bk. v. ch. v. § 17. Reference may also be made to the statements regarding universal justice, *ibid.* bk. v. ch. i. § 20.

[3] See Muirhead's *Ethics* (revised edition), p. 201.

intensity observable in benevolence, which is not found in justice. And this is largely true. Yet, in order to prevent the emotional element being turned into a snare for the benevolent, we must insist on the fact that by benevolence we mean a reasonable benevolence. Feeling becomes a dangerous ally if not kept in check.

In this whole connection, however, our main endeavour must be to estimate at its true value that upright or just character which is represented by trustworthiness towards neighbours, by good faith, by fidelity not only to promises, but to all recognised obligations in the social sphere. It warrants the reliance of others, while it is true to itself. Its besetting faults are, perhaps, formalism, pedantry, and want of universal aims—want of recognition of its interest in the whole. But at its best it escapes these dangers, and is "deep and true and tender."

We may glance, in passing, at the term Honesty. The conceptions of dignity and repute were associated with the Latin *honestus*. But honesty has now come to mean in many connections little more than a certain negative attitude towards trickery and stealing.[1] Its range might well be widened in modern life. To make it, as it stands, the business virtue *par excellence* is

[1] Cf. Clark, *Practical Jurisprudence*, p. 119, note.

perhaps barely fair to that portion of the business world which prides itself on its honour. But it has clearly an industrial aspect. "Honesty," says Professor Calderwood for example, "signifies any form of action, whether disposition or overt act, which honours the rights of private property."[1] It is right to add that it is used somewhat widely, in connection with opinions and beliefs, as indicating an attitude akin to that of sincerity.

Finally, we must bring out clearly that *impartiality*, in the sense of resistance to the solicitations of bribery, favouritism, and the like, is a cardinal virtue, not of the individual as such, but of those who are called upon to act judicially.[2] In this country we are, of course, convinced of the possibility of maintaining a pure judiciary in our midst. But so optimistic a view is far from universal. "The Egyptian public," says Sir John Scott, in narrating the history of recent judicial reform in Egypt, "could hardly believe in the

[1] *Moral Philosophy*, p. 45.

[2] The purely intellectual element must be kept apart. According to John Stuart Mill, impartiality, as an obligation of justice, "may be said to mean, being exclusively influenced by the considerations which it is supposed ought to influence the particular case in hand; and resisting the solicitation of any motives which prompt to conduct different from what those considerations would dictate" (*Utilitarianism* (12th ed.), p. 68).

impartiality and freedom from corruption of a judge, especially if he sat alone, isolated from his colleagues, and free from all control,"[1] a few years ago. Hence the establishment of justice became a fundamental reform for Egypt. In the more trivial sphere of personal affairs, we sometimes find the distribution of an inheritance called in question as violating the finer principles of justice; and the man of many prejudices often has a stormy career, through his engendering the conviction in others that he is prone to treat people unfairly. But, in truth, the occasions on which impartiality is semi-privately demanded of us are too numerous to classify.

We have seen, then, the complications that arise in the consideration of justice. If on the whole we are prepared to find in the benevolent or some similar aspect of the moral order, as social, a more adequate representation of it than in the just, we need not be surprised at our conclusion. Such an adjustment of accent — benevolence being freed of its crudities — is in harmony with many modern ideas, though it cannot be accepted lightly. Justice, we would then maintain, if we keep the idea of the person, in anything like its

[1] "Judicial Reform in Egypt,' *Journal Soc. Comp. Legislation*, N. S., ii. 245.

legal sense, before us, and work on that, is on the whole more conveniently regarded as a partial system, having another dominant above it. The many unities and aspects of the human spirit which the moral world shows us, tend to thrust such justice, relatively, into the background; there seems to be a want about it. What effect may be thus produced on our notions of personality, as popularly understood, is a question to which we shall return further on. We must now fix our attention on benevolence.

CHAPTER II

BENEVOLENCE

IN considering benevolence, we shall use the term in a wide sense, as nothing seems to be gained by isolating the virtue from those commonly associated with it. We shall look at it generally, in the first place; then, to save repetition, we shall in this chapter regard it mainly in relation to what are called the less determinate moral spheres. The subject of social organisation, which, of course, has all-important bearings on benevolence, will receive detailed consideration in the sequel.

The popular use of the word "love" to denote a prominent aspect of benevolence, has obviously both advantages and disadvantages. Whilst it may lend itself to exaggerated assertion, it is also rich in the world's experience. As regards its general application, it is a familiar argument that no man can really entertain towards the world at large those feelings of

affection which he bestows on his family or his connections: and persons who are loudest in their injunctions to befriend humanity, it is sometimes hinted, are those who show the most superficial respect for true human nature when occasion arises. The truth contained in the former statement, at least, is obvious. If the emotional element in morality is exaggerated, we find ourselves at once in difficulties. Nevertheless, respect for the various social organisations around us, of which the family is the narrowest, forms part of one large system of morality to which we are bound to give heed: and the idea that some measure of brotherly goodwill ought to be bestowed by us on all with whom we come in contact is widely received. How far "feeling aright may be a matter for commandment"—to use a phrase which we shall presently have occasion to quote—will receive special attention in the next chapter. But, at anyrate, the doctrine of love, even with its emotional suggestion recognised, has not been exclusively advocated by those who preached from "velvet cushions" to others who were "walking with bleeding feet amongst the [illegible]."

Some renderings of the principle may be noted briefly. On one view, love consists in active interest

in persons. It is creative in its nature; and that sentiment which, instead of going forth in an objective interest, exists only for the satisfaction of the private individual, is not love, but something inferior. Love aims at the well-being of personality; it takes an interest in individuals for their own sake. It is thus either itself the principle, or it is very closely allied to the principle, which dominates the seeking of the good of mankind. This represents the popular conclusion on the whole; but brings out with more than ordinary clearness love's objective and creative side.[1] Similarly, we find love characterised as a deliberate "goodwill" towards others. The popular significance of "goodwill" is here utilised, and emotion thrust into the background. Again, Wundt treats of "our modern ideas of humanity, and the feeling which they embody of love for all mankind, of philanthropy in the literal sense," as a last and most general form of moral union.[2] The common consciousness of the State, he says, paves the way for it, and it is because of its independence of legal outward restraint that it possesses a peculiar importance. Historically, it has been matured through friendship, hospitality, charity.

[1] Cf. Dewey, *Psychology* (3rd ed.), p. 340.
[2] Wundt, *Ethics*, i. §§ 226, 227.

Let us not lose sight however of the other side of the question. It is felt that the general theory of forbearance can be pushed to an extreme which is at least imprudent, and may grow into immorality itself. We may hope to heap coals of fire on the head of the wrong-doer by kindness, but the real effect is often quite different. The solution which will occur to most is that the good we do for our neighbour must be, from all sides, good. To confirm him in his vices or in his selfishness is not kindness. But we may seem to be led even further in forbearance. The mere impetus of the policy of non-resistance may affect us. The following passage, though probably it does not ultimately lead us further than has been indicated, will help to illustrate the difficulty. The Christian, says Dr. Caird, is defined by the earliest Christianity—as one who not only with Plato counts it better to suffer than to do injustice, but as one who, in the battle of life, begins by throwing away sword and shield: who refuses to use any of the natural weapons wherewith he is armed for the struggle for existence; who resists not evil, but 'to him that smiteth on the right cheek, turns the other also.' He is one who re-

[1] Cf. e.g. Maurice, *Social Morality* (2nd ed.), p. 391.

nounces antagonism and hate, and who meets evil not with counter evil, but with good."[1] Nevertheless, "the charities of social life, which are renounced, shall come back multiplied in the tenderer and purer ties of Christian brotherhood; and even the outward goods of this life, though their possession may be rendered precarious by the hostility of the world, will be enjoyed in a higher way by those who have learned their deeper spiritual meaning."[2] Finally, "there ceases to be any man or nation towards whom we are authorised to be selfish, in order to secure the social sphere within which we shall be unselfish. Morality is now, so to speak, made of one piece, instead of being divided between conflicting laws."[3]

[1] *The Evolution of Religion* (2nd ed.), ii. pp. 153, 154.

[2] *Ibid.* ii. p. 154.

[3] *Ibid.* ii. p. 159. The results of the spirit of forbearance of which we have spoken are interestingly summed up from his own point of view in these words of Marcus Aurelius: "When you wake, say to yourself—To-day I shall encounter meddling, ingratitude, violence, cunning, malice, self-seeking; all of them the results of men not knowing what is good and what is evil. But seeing that I have beheld the nature and nobility of good, and the nature and meanness of evil, and the nature of the sinner, who is my brother, participating, not indeed in the same flesh and blood, but in the same mind and partnership with the Divine, I cannot be injured by any of them; for no man can involve me in what demeans. Neither can I be angry with my brother, or quarrel with him; for we are made for co-operation, like the feet, the hands, the

Now if, in the adoption of this ideal, it is kept in view that the spirit of justice, when we are dealing with the things of justice, must be respected and cultivated, it *does* seem to express our highest attitude towards the moral order. But although there is no question of a principle antagonistic to justice involved in accepting it, from what we have previously said it will be clear that a question of emphasis arises which must be faced. Practically, we cannot abandon the system of rights and claims which form a working hypothesis for a certain part of life, though we may modify its meaning. But we must try to fix our insight on where the main and controlling ideas of life are to be found. We are prone to exaggerate the importance of the sphere of claims. We are over-anxious as to what we are to get.

Let us, again, look at the matter more directly from the side of emotion. It is commonly said, as the first of our last quotations suggests, that the commandment, "Thou shalt do no murder," is developed in Christian morality into a prohibition against hatred

eyelids, the upper and the lower rows of teeth. To thwart one another is contrary to nature; and one form of thwarting is resentment and estrangement" (*To Himself* (Rendall's trans.), ii. 1).

in thought, word, or deed, and again into positive love. Aristotle's "High-minded man," it may be remembered, was not apt to speak evil of others, not even of enemies, except with the express purpose of giving them offence.[1] The turn of the phrase indicates the modern ideal antithetically. Nevertheless, resentment may be brought forward to champion the opposite side. Resentment, it may be said, is not necessarily evil; it may fittingly take its place in the moral life. Now, it is difficult to speak generally on the claim thus raised, interwoven as it is with questions of feeling. But it will probably be admitted that the *nuance* of resentment particularly suggests danger. The path of the resentful person is full of moral pitfalls. The habit of resenting is perilous, if not bad; it easily leagues itself with habits of selfishness, which are bad. Yet, on the other hand, the range of resentment is very wide; and the term is probably often used to cover attitudes of mind which are legitimate. In these instances the ordinary exhortation to show kindliness of feeling must just be squared with resentment as best it can. And that exhortation is frequently considered, indeed, to represent merely a broad principle of moral culture which is not inviolable.[2]

[1] *Nic. Ethics*, iv. 3. 31. [2] See Chapter III. *infra*.

Of course, if we so understand resentment as to make it include "virtuous indignation," the question as regards that portion of the subject falls.[1]

A few phrases from two well-known writers may be quoted in further illustration of this whole aspect of *good versus* evil. "In disposition," writes Canon Gore, treating of the Sermon on the Mount, "we are to 'love our enemies.' Not, of course, that we can feel alike towards all people, but we can set our will, or what the Bible calls our heart, to do them good: and if we dispose ourselves aright towards others, we shall probably end by feeling aright, though that can never be a matter of commandment. . . . Nothing is said about the effect which such kindness to professed enemies may have. But there is no question that if we treat

[1] With resentment are associated such mental phases as—(*a*) anger, indignation, deep sense of injury, with its natural reactions; (*b*) malignity; (*c*) *continued* anger or hostility. "Pugnacity, anger, resentment," are grouped together in Professor James' "list of human instincts." According to Ribot, the intellectualised form of anger is that of "deferred aggression." Under this head are grouped "hatred, envy, resentment, rancour," etc. (*Psychology of Emotions*, Eng. ed. p. 222). *Meekness* seems to consist largely in the abandonment of "private" resentment. Yet even resentment on behalf of a noble cause may degenerate into "pugnacity" of the baser sort. The idea that meekness leads, as a follower of Neitzsche might say, to a morality of "slaves," must not be hurriedly accepted.

people as if they were permanently and necessarily what they are at the moment, we fix, or do our best to fix, them in their present condition."[1] It seems to be assumed here that feeling "aright" is mainly feeling in a kindly way; which is not absolutely indisputable, as we have indicated. Professor Sidgwick, again, referring to the view that, though the emotion of anger is legitimate, it ought to be directed always against wrong acts as such, and not against the agent,—"for even where the anger may legitimately prompt us to punish him, it ought never to overcome our kindly feeling towards him,"—considers that "if this state of mind is possible, it seems the simplest reconciliation of the general maxim of benevolence with the admitted duty of inflicting punishment."[2] On the whole, he

[1] The *Sermon on the Mount*, pp. 98, 99. More open to criticism, perhaps, but also interesting, is the following view of forgiveness: "It is true that in its essence the duty of forgiveness is the duty of laying aside *private* or personal resentment—of resenting the wrong because it is a wrong, and not because I am the victim of it. But what Bishop Butler [before quoted] has missed is the fact that vengeance often loses its moral effect just because the avenger of the wrong is its victim, while forgiveness often strikes the heart just because the forgiver is the man who suffered by the wrong—and therefore the man in whom it is hardest to forgive" (Rev. Hastings Rashdall on the "Ethics of Forgiveness," in the *Internat. Jour. of Ethics*, x. 2, p. 204).

[2] *Methods of Ethics* (5th ed.), p. 323.

writes, we may perhaps sum up the opinion of common sense "by saying that a superficial view of the matter naturally leads us to condemn sweepingly all malevolent feelings and the acts to which they prompt, as contrary to the general duty of benevolence: but that the common sense of reflective persons recognises the necessity of relaxing this rule in the interests of society: only it is not clear as to the limits or principles of this relaxation, though inclined to let it be determined by considerations of expediency."[1] Such a conclusion, we may note in passing, seems to be rather hard on common sense, in its implied demands. Finally, we may more clearly connect resentment with the conception of a "wider" self. *This* may be attacked or threatened, and the peculiar kind of "resentment" which ensues flows from the idea of an evil directly opposing itself to one element of the ideal and wider unity. The attack and counter protest as it were correspond. These sidelights may be found useful.

We have touched on the contrast between love and [illegible] bearing. Two other contrasts may [illegible] the first, which is somewhat [illegible] that between the idea of a

[1] *Methods of Ethics*, p. [illegible]

common life and selfishness; the second refers to the two meanings of that important word in ethical controversy—sympathy.

In identifying ourselves with others the range of our interest may vary widely. Friendship, or love for our relations, or love for our country, may lead us beyond ourselves — to a wider self, some would say; but in such expansion we note great differences of area, and likewise of the kind of unity reached. On the other hand, it is possible so to misuse sentiments of friendship and the like that they, or rather false imitations of them, become selfish in the worst sense. Even if we are "inoculated" with a general altruistic sentiment of a kind, that may act selfishly. For, obviously, a humanitarianism may be cultivated which has no other aim than to enable its possessor to carry through the world the pageant of his bleeding heart for the admiration of others. It may be urged that such instances point merely to hypocrisy, but we must also regard them as misplaced attempts to use social feelings and ideas for private purposes.[1]

[1] By means of intoxication a counterfeit of the loftiest sentiments may be produced. Professor James thus describes the effect of nitrous oxide gas as an intoxicant: "With me, as with every other person of whom I have heard, the keynote of the experience is the tremen-

Now, in true friendship or refined sexual love, the reality of the common life into which we enter would probably be admitted by common sense, though the circle is obviously small. Yet it is very easy to give an essentially cynical turn to the main conceptions. Take the case of love, which is a striking example, though too emotional to be altogether satisfactory. That it is a desire to reign over some other person's individuality; or that it is always dominated by the sexual appetite, are familiar statements which attempt to root it in selfishness. In opposition, we have already suggested the view that it implies a distinct breaking with the private self: so that, without some rudimentary manifestation of a purpose quite different from the gratification of despotic tastes or animal appetite, no passion ought to be allowed to pass for

dously exciting sense of an intense metaphysical illumination. Truth lies open to the view in depth beneath depth of almost blinding evidence. The mind sees all the logical relations of being with an apparent subtlety and instantaneity to which its normal consciousness offers no parallel." And of alcohol he writes: "The immense emotional sense of reconciliation which characterises the 'maudlin' stage of alcoholic drunkenness . . . is well known. The centre and periphery of things seem to come together. The ego and its objects, the *meum* and the *tuum*, are one" (*The Will to Believe*, pp. 294, 295, note). It is scarcely necessary to add, that neither is metaphysics refuted by the first of these experiments, nor is morality abolished by the second.

love at all.[1] In larger areas, once more, even if we set cynicism aside, we are met by this difficulty. If we consider isolated benevolent actions, we find that the less clearly they are fixed on the development of a moral atmosphere, quality of life, expression of human nature, or spiritual kingdom (be the end represented as it may) to which the actions can be systematically related, the more likely are those actions to wear the aspect of mere disinterestedness in its worst, or least intelligible, sense. Yet such an aspect of benevolence does not represent it adequately; we cannot reduce it thus to a thing of shreds and patches: a conclusion which is more and more pressed upon us as we study the facts of corporate social life.

As regards sympathy generally, Dr. Bosanquet has drawn a distinction in our sympathetic sentiments

[1] Sexual love affords a good instance of how some psychologists treat certain emotions as *mixtures* after the analogy of chemistry. According to Ribot (*Psychology of the Emotions*, p. 268), in this case the elements are "homogeneous or convergent." Sexual love, therefore, is (following Spencer's analysis) an "aggregate compound" of physical attraction, æsthetic impressions, sympathy, tenderness, admiration, self-love, love of approbation, love of possession, and desire of liberty. The drawbacks to this mode of treatment are obvious. But it is well, at anyrate, to keep the distinction between sexual instinct and tender emotion clearly before our minds.

which is of importance.[1] We may feel sympathetically with another, merely, so to speak, in consequence of certain effects produced on our sensitive selves by what has happened to, or threatens, him; or we may, on the other hand, have our sympathy aroused in virtue of a different kind of unity between us—a unity of such a nature, and so recognised, that what affects the whole through one part affects all the members of the whole. Such sympathy appeals to us as a contrast to the emotion borne in through the medium of sensitiveness for another, who seems to be quite separate, or almost separate, from ourselves. Connected, as it obviously is, with public spirit in all its guises, it must be specially noticed in dealing with social morality. For, though it may reveal many defects and limitations here and there, it forms, as it were, organic sympathy—a sympathy in which there is no suppression of the self.

We may illustrate the distinction thus made by a

[1] *Psychology of the Moral Self*, p. 66 *seq.* Sympathy is, of course, treated very differently by different writers. A characteristic chapter on "Sympathy and the Tender Emotion" will be found in Ribot's *Psychology of the Emotions*, pt. ii. ch. iv., where the chief phases of sympathy are given, as—(1) primitive sympathy, reflex, physiological, allied to imitation, unconscious or slightly conscious; (2) psychological unison, an emotional fact reflected in the consciousness of several individuals; (3) psychological unison *plus* tender emotion; (4) intellectual sympathy.

phrase of Stevenson, the novelist, who, in describing Duncan Jopp—the most degraded of criminals, but still a sensitive being—as the latter appeared when on his trial for life, says: "The culprit stood, with his sore throat, in the sweat of his mortal agony, without defence or excuse: a thing to cover up with blushes: a being so much sunk beneath the zones of sympathy that pity might seem harmless."[1] Here we may regard the culprit as cast out, owing to his debasement, from every zone of rational sympathy which human nature forms among men: he thus almost escapes that moral condemnation which the zones of sympathy imply, and which would militate against a more emotional sympathy; a pity, therefore, which is mainly sensitive, can be bestowed on him, without morality demanding its restraint. In this picture the antitheses are, of course, slightly exaggerated. Ethically it may, nay must, be doubted, whether degradation can ever sink a man altogether beneath the "zones of sympathy." But Duncan Jopp may stand for the type of degradation. And there are many natures of the weaker sort who could pity him for his sufferings in the dramatic pose in which he is presented; but who would be without any keen sense of his relation to those higher

[1] *Weir of Hermiston*, p. 51.

zones of sympathy at all. Such persons may register the feelings of others in their experience, and yet show no true sympathy. There is no clear recognition with them of another's personality, or of bonds uniting circles of their fellows.

Much of what has preceded has suggested the question of how the self can be regarded as performing its function in morality. And this takes us, of course, into the heart of theory. A prominent idealistic view is that the antithesis between selfishness and moral developments of the self does not really spring from the antithesis of the self and others, but from the way in which we use the contents of the self. We must, for morality, introduce the idea of a higher and lower self: and, in discussing moral problems, we have advanced beyond the bodily self in the whole area which we ordinarily survey, and constantly urge the demands of the "wider" self. In our ideal, then, we include other selves, though not merely as means to an end; because, apparently, we recognise as aim the realisation of a *common nature*, in which all the selves co-operate. But to a certain extent this doctrine of a common nature cuts against a simpler conception of social morality, with a reciprocal interaction of different selves as the prominent point. The reader who cares to refer to

the writings of Marcus Aurelius will find the difficulty well illustrated in his individualism, just because it is at the same time so cosmic. Moreover, here at anyrate, it would be out of place to affirm that the whole contents which the self has to systematise are, in ordinary phrase, social. We shall therefore use the social ideal only as a very powerful practical instrument. But, in claiming so much for it, we make it, of course, the leading principle of this book. The social relations into which the moral individual enters, help us in a wonderful way to locate, for practical purposes, the central point of his individuality. Yet it will be apparent from our previous discussion that if we regard benevolence as the type of social duty, there is some difficulty in obtaining an expression for it which will adequately represent its complicated nature; and it will now also be apparent that even if we had such an expression, we might be called upon to reinterpret it from a wider point of view—that of metaphysics. It seems necessary to say so much, to avoid any appearance of juggling with the idea of the self.[1]

[1] See Bosanquet's *Psychology of the Moral Self*, and *Philosophic Theory of the State*; cf. Eudæmonism in Seth's *Ethical Principles*, pt. i. ch. iii. (3rd ed.); Alexander on *Moral Order*, as noted in Chapter I. *supra*; Bradley, *Appearance and Reality*, ch. xxv.; Chapter VII. *infra*.

From the social point of view, devotion to intellectual truth and to art present some special difficulties. In what sense does such devotion involve a reference to society? It will be sufficient to ask here whether these virtues in whole or in part can be called absolutely non-social. Probably no one who takes at all an organic view of society would deny that the pursuit of truth and art are so far social ends; that they are of value for society and develop through society; that true social benevolence is interested in their cultivation. On this hypothesis, it is only when the life of social morality is treated as a certain aspect of human life, as a whole, which does not give due place to intellectual truth and art regarded from their own points of view, that the adverse criticism of the socialising tendency is of force. But so long as these virtues of devotion to truth and art are not placed beneath the social plane, and are given a fair scope, the criticism is not vital for practical ethics. The moral order, taken at its widest, seems to become universal; and in doing so presents increasing difficulties to our social interpretation of it. But, whatever view we may take of it in its ultimate meaning, it serves no interest of morality to deny dogmatically that intel-

lectual or artistic virtue may have their place there, without following exactly the same process of re-interpretation which social virtue in its narrower sense may have to undergo.

A common and characteristic illustration of want of devotion to truth, from the social standpoint, is afforded by cases in which intellectual men desert a cause which they are tempted by their convictions to support, as the consequence of some unessential feature, say, the vulgarity of many of the persons who happen to be associated with it. An ignoble dislike dominates them, and they die fighting on the side of their prejudices. "Nothing truly great or formidable," it has been wisely said, "was ever yet accomplished, in thought or action, by men whose love for truth was not strong enough to triumph over their dislike of the offensive objects with which truth may chance to be associated."[1]

The desire to do good to others implies the desire not to oppress them; and in its most exaggerated form, this latter desire takes its stand in revolt against the whole social structure as it exists. Now, as we are laying great stress on the fact of social

[1] Stephen, *Essays in Ecclesiastical Biography*, "The Evangelical Succession."

organisation, it is necessary to notice the extension of this tendency in the opposite direction. Division of labour, as ordinarily conceived, is repudiated. Organisation, as we understand it, is considered to be oppression in disguise. Tolstoi, in *What to Do*, says: "For men who consider labour to be the essential thing and the joy of life, the ground, the basis, of it will always be the struggle with nature. Not only agricultural labour, but also that of handicraft, mental work, and intercourse with men. The divergence from one or many of these kinds of labour and specialties of labour, will be performed only when a man of special gifts, being fond of this work, and knowing that he performs it better than anybody else, will sacrifice his own advantage in order to fulfil the demands of others put directly to him. Only with such a view of labour, and the natural division of labour resulting from it, will the curse disappear which we in our imagination have put upon labour."[1] And Tolstoi's negative criticism in this volume is very vigorous and extreme. But such ideas, as he and others work them out in opposition to existing social forms, even though they are based on the idea of love to others, seem, from

[1] *What to Do* (London), pp. 221, 222.

their disintegrating tendencies, to be quite impracticable. So far as wealth is concerned, the elements of truth contained in them appear to be, mainly, that we need to practise a simpler mode of life,—a less extravagant and pretentious mode of life, which would also lead to a juster social life,—and that all labour is honourable. Such views as his, nevertheless, form a very interesting type.

There is one truth, however, connected with the desire not to oppress—morally—our fellow-men which is very widely admitted. Respect for the good as seen in others—for the virtuous characters which they exhibit, and for themselves as exponents of righteousness—is clearly a thing to be demanded. But as regards others who are, or are supposed to be, morally worse than ourselves, there is obvious peril in dwelling on our own superiority. We dislike a Pharisee almost as much as a hypocrite. The popular maxims regarding the necessity for humbleness of spirit, and the rashness of judging when we ourselves are liable to judgment, mark the danger. Our confession must always be similar to that of Pascal—"Not in Montaigne, but in myself, I find all that see I in him."

We turn now to consider the attitudes which the

benevolent spirit leads us to adopt towards certain indeterminate classes of our fellow-men.

When we are called on to help the "needy," a very natural response is by way of the giving of money. The material wants of our poorer fellow-men can thus be reached at once, and the wants of those who are sick especially appeal to us. But while private charity excites strong enthusiasm, an apparent reaction is seen in the vigorous attacks which are made on indiscriminate almsgiving, with its tendency to sap and degenerate the recipient's character. Leaving in the background for a moment the network of charitable organization which exists in our day, we may note that a problem (though perhaps not a very deep one) is thus raised. On the one side we find the grave effects produced by careless charity; and, on the other, we find among the charitable a certain impatience as to having their benevolent actions minutely controlled, which it is natural for the liberal and the generous to feel, expanding into a demand for charitable "freedom." But we cannot, of course, include under the name of indiscriminate giving, the bestowal of pecuniary aid in cases where personal supervision and sympathy accompany it; where the donor really taxes his prudence, patience, and skill in the process. In such instances,

private charity to individuals probably finds its true vindication. And it may be well to distinguish sharply between indiscriminate giving and direct giving.

But private charity must to a large extent take advantage of institutions, where organisation of some sort exists. And the adjustment *inter se* of institutions which are in the widest sense charitable—ameliorative, educational, recreative, medical, social, constructed on the basis of a "home," dominated by local claims, and so forth[1]—is a very necessary task. The extent to which they often overlap is notorious. Of the relation of the State to charity we shall not speak. It raises a difficult question as to the administration of a poor-law which can hardly be discussed without technical study of the laws in force.

[1] The idea of bringing different types of life to bear upon one another in some such way as is done in University and Social Settlements perhaps deserves special mention here. Canon Barnett speaks of a Settlement as "a means by which men or women may share themselves with their neighbours; a club-house in an industrial district where the condition of membership is the performance of a citizen's duty; a house among the poor where the residents may make friends with the poor" (*University and Social Settlements*, p. 26). They have put "something human," it is claimed on their behalf, alongside of the ordinary legal and charitable machinery of the poorer districts.

The needs of others, again, even material needs, can obviously be helped by activities on our part which make demands on our time and patience rather than on our money. Amongst those activities we must include many of the best types of "good work" as customarily understood, and the devotion of specialised abilities, by those who possess them, to objects of social improvement.

It is impossible not to be struck by the strength of the personal demand made by some modern writers. They press their principle with a vigour which causes some misgiving. "The note of the new philanthropy," says Sir Walter Besant, "is personal service; not money; not a cheque; not a subscription written; not speeches on a platform; not tracts; not articles in Quarterly Reviews; none of the old methods: but personal service—'not money, but yourselves.'"[1] As an epigrammatic way of stating a wholesome truth this will not be disputed. Personal service has its difficulties, however, as a theory of universal application; and it tends to deal hardly with those whose time and energies are very fully taken up with the duties that lie at their own door, but who would be willing to subscribe judiciously to wisely

[1] *University and Social Settlements*, p. 4.

organised institutions or fully vouched cases of misfortune.[1]

Against all kinds of doubtful help to our poorer brothers the virtues of thrift are naturally set up. Now, thrift does not deal entirely with money; but, so far as it has a pecuniary basis, its first objects seem to be, roughly—to employ a moderate income well, from day to day; to provide against sickness, old age, and want of work; and to make some provision for any family dependent on the worker. The foresight required for these purposes is often extended (on the individualistic side, some will say), when we reach a class who have more ample means, into an effort to make a competency, to fill a "position" adequately, and to provide in a permanent way for the maintenance of the *status* of the family. Impulses for saving, however,—we shall consider *saving* more theoretically hereafter,—have little influence on the very poor. Yet the very poor, as the advocates of thrift are fond of pointing out, must be led to take a connected and at least prudential view of their lives, if these are to

[1] A Positivist hymn boldly states—

"Goodness is ever living,
Though Almsgiving be dead.
And Charity no longer
Lifts her self-conscious head."

express character at all. Regard for family considerations is especially important. It is this necessity, on the one hand, and, on the other, the difficulty of preaching any gospel of foresight to a class who, it is argued, are not sufficiently well-off even with foresight to maintain their physical efficiency, that form the origin of most modern disputes about charity.[1]

[1] We may mention as illustrating this subject that Mr. Loch in his handbook on *Charity Organisation* proceeds to work out the methods of charitable relief from four conclusions which can perhaps be summarised thus:—That no class of persons should be taught to expect that a systematic provision is to be made for them by others with regard to certain things which in the public interest they should attend to for themselves; that kindly influence, when a case of distress is brought under notice, directed to the prevention of the recurrence of it, should as much as possible accompany, or even supersede, charitable giving; that vice should never be encouraged; that the relief which the feeling of humanity may lead us to provide for the subsistence of the incorrigible should be made unattractive. As regards objections to the system of charity organisation, it may be worth while to quote Mr. Loch's answer to the very reasonable line of criticism that there are clearly many cases which the system cannot reach, while, on the other hand, the gift, say, of a little money, even if it does a trifling amount of harm, may prevent a person starving, or the like. Mr. Loch replies, that experience "has amply shown the evil results of irregular and aimless relief upon the character of recipients; that to refuse, and to do no more, is better than to give, when to give, and to do no more, must, in all probability, do harm; that the good administration of charitable relief depends upon trained individual work, and that, though it may take a long time to create an administration on these lines, good results can be expected only from this method; that it is better, therefore, to work for this than to continue to relieve cases in a

A good expression of the spirit which is animating much modern philanthropy will be found in the following summary: "Although I emphasise the solemn fact that as a man sows so shall he reap, and that if he will not work he shall be free to starve, I do not ignore the increasing need of kindly and personal charity, not only the charity of the cheque-book, but personal charity, a well-directed and well-regulated benevolence. True philanthropy avoids all emotional tenderness to wrong-doing, gives no alms till the recipient has absolutely exhausted his own efforts and has failed, but gives freely of time and personal effort; aims at increasing moral stamina in the units with which it deals; and this it does by the creation of new aspirations, by arousing the spirit of self-reliance and self-respect."[1] This, as we have indicated, is fairly representative. The line of attack in an adverse criticism would probably be to point out causes of poverty for which the poor are not responsible, and to insist, more or less strongly, on the

way which must inevitably make the formation of a better administration more difficult" (*Charity Organisation* (2nd ed.), pp. 34 *seq.*, 99). Other objections to the plan are, of course, put forward, by those, for example, whose tendencies are socialistic.

[1] John Mann, jun.: "Better Houses for the Poor—will they pay?" p. 44 (*Proceed. Glasg. Phil. Soc.*, 14th Dec. 1898).

necessity of material conditions in the realisation of the good life.[1]

It will be obvious that the whole subject branches out in so many directions that it is difficult to limit it satisfactorily. We are all more or less familiar with many characterisations of the classes that need help, which challenge careful thought; the grading of the ranks of poverty on a descending scale; the division of the "submerged" into those who though starving and homeless are "honest," those who live by vice, and those who live by crime; the idea of the industrial residuum as a class maintained largely by the lapse and degradation of others; pregnant phrases, such as "the unemployable"; important subdivisions, such as the division between the poor who are positively ill, and those who are chronically unhealthy; or the classifications of criminal types. All this brings home to us the complexity of the material upon which benevolence, in the form under consideration, has to work. In a true and wide sense we have here the circle of the specially needy; and money, it is very clear, is not all they want.

The suffering are sometimes embraced in a special class. Of suffering generally, as exhibited in human

[1] See Chapter VIII. *infra*.

life, we need only say that it is absurd to minimise its power. Sensational pictures are no doubt often drawn of misery. Yet it is abundantly evident that our morality must be toned with a great compassion, if it is to meet the needs of mankind. Compassion is in one of its aspects the gateway of benevolence. It may be emotional, but it is capable of entering into the highest phases of moral life. We cannot limit it, except for purposes of mere analysis perhaps, to the feeling that arises at the sight of misery, on the instant. Or, if we do, we must at once follow where it points beyond itself. We may say, then, that in its broader sense, healthy compassion leads us to fight strenuously against apparently useless misery. Pain clearly has its uses. But, whatever our moral ideal may be, it is not likely to prove of so Spartan a type that the ravages which conditions of misery induce are indifferent to it, or that a life which is absorbed in suffering fails to prompt our moral sentiment to work for its relief.

Towards the weak, again, it becomes us to be chivalrous, at least. Such chivalry as we owe them is frequently violated with notorious callousness in the conduct of civilised men to individuals of an inferior race. Weakness, of course, covers a great

variety of types of infirmity; and in civilised life attempts to realise benevolence in this relation are correspondingly varied. Even to *protect* wisely is a very difficult task, as the law bears witness.

The principal criticisms directed against benevolence in its restricted sense, as developed by traditional ideas, may be conveniently noted here, and may be summarised thus:—There is first the view, in which there is a modicum of truth, that it interferes unreasonably or unwisely with justice.[1] A development or variation of this objection is that the goodwill manifested towards our fellow-men is often calculated to gratify their desires for the moment rather than to advance their permanent well-being. Again, a criticism of a somewhat different kind applies to that benevolence which attends exclusively to the abstract perfection of the soul, without due regard to the necessary material conditions of life, or *vice versâ*. Once more, it may be urged that traditional benevolence lays too

[1] And its forgetfulness of justice is a favourite objection with outsiders. So Li Hung Chang, in an interesting interview which took place between him and Dr. Martin, says: "'The missionaries are good men, I know, but your code of morals is defective, as it seems to me, in one point: it lays too much stress on charity and too little on justice.' In letting fly this Parthian arrow he meant that he would like a little less zeal for missions, and a little more respect for treaty compacts" (*A Cycle of Cathay*, by W. A. P. Martin, D.D., p. 352).

much stress upon our refraining from judging our neighbour, as if that were in itself a charitable action, whereas practical life demands that estimates should be formed of the characters of others, and our spirit towards them regulated by those estimates. And, no doubt, we must judge others freely when a practical issue depends on it. A carping or cynical or unduly inquisitive desire to estimate the morality of others, however, must be reprobated. As regards the social spirit generally, it is true that the advancement of public good as a whole may degenerate into a mere indistinct philanthropy—a result against which Comte inveighed in his day.[1] Yet common sense is quite safe in maintaining that benevolence undertakes a very necessary task in endeavouring to face the immediate facts philanthropically.

Gratitude is often explained to mean the due sense of benefits received; and its duties are, with sufficient accuracy for our purpose, thus indicated. The mere giving of a return for service does not exhaust its range, of course; its emotional features are marked; and the meeting of the benefactor's act with a spirit adequate to that which animated it is a prominent element in the whole. Where the benefit done shows

[1] See H. Martineau's *Comte* (3rd ed.), ii. p. 26.

kindness through and through, gratitude responds with a certain eagerness to recognise the fact. For the most part, then, gratitude is regarded as a spontaneous thing, not to be subjected to minute calculation. At anyrate, the attempt to calculate its requitals in the abstract, to provide the grateful man, as it were, with a "table of fees" for ready reference, is regarded with impatience. Whether gratitude may conflict with a proper measure of the pride of independence may be discussed; but in most cases a favour which cannot be accepted can be tactfully rejected with suitable thanks — the rejecter being thus left "not ungrateful." Ingratitude has been severely handled by the poets, and it is hardly necessary to add that it is a defect felt keenly in common life, and specially marked.

Passing on, we may widen our view of things benevolent, so as to enable us to take in the virtue of liberality, which retains its importance. The recognition of its subordination to justice is a safeguard on which we may wisely insist; and it must be sharply distinguished from improvidence. As Aristotle says, the liberal man will give the right things to the right persons at the right times. The virtue is easily counterfeited. To squander money lavishly among the mob has generally proved a

successful preliminary to robbing them.[1] But all sections of the community are caught by a similar glamour: a false liberality easily becomes a corrupt or tawdry magnificence. To some extent generosity escapes the danger which threatens liberality, because it indicates a wider and at the same time more inward phase of virtue.

Again, the advantages and disadvantages of what may be called good-nature should be observed. Of course, good-nature might be so interpreted as to include in itself all the elements of moral character; but its ordinary manifestations are such qualities as easy amiability, capacity to live and let live, dislike of the pedantic side of moral theorising, a hearty exhibition within somewhat narrow limits of the comrade's spirit. Such good-nature, so far as it can be accounted moral, forms a lazy type of neighbourliness or benevolence; but negatively it has its uses, provided it does not block the path to something better. It is often passed over by the moralist, because it touches ethics on the side of moral material rather than of form; it is, on the whole, commended by the "man in the

[1] The degradation of liberality sometimes found in political appeals to the poor is well illustrated by a paper, "Ethical Survivals in Municipal Corruption," by J. Addams, *Internat. Journal of Ethics*, viii. 3.

street," because he thinks he sees in it the attempt to make the best of things as they are.

Courtesy, our next point, is sometimes said to deal with trifles. An acquiescence in minor social compromises; willingness to show marks of respect to those to whom respect is conventionally due; a general desire, negatively, not to give discomfort to others, and, in a minor degree, to indicate a goodwill towards them—are closely associated with it. Its conventional aspect is, of course, prominent. A certain tendency to exaggeration is inherent in forms of courtesy. And from this difficulties arise. The idea of a proper personal bearing, demanding at its highest perfect sincerity, sometimes conflicts with it. Thus we find tokens of some strain between courtesy and veracity, and between the courtesy of dignity and that of meekness.

We have reserved till now the topics of sexual love and friendship, which fall in a measure apart from the rest. We shall regard them here mainly as facts on which duties, not easily defined in the abstract, are founded. Obviously, morality does not command us to fall in love; and it is chary of giving directions as to the making of friends.

Wedded love is a foundation-stone of the social

structure. A happy union forms a basis for the closest intercourse of spirit with spirit, and leads to a true understanding of much that is best in human personality on all its sides. It focusses in the chosen "one" qualities which we must ever be seeking to discover in the many. As Emerson says, the united pair represent the human race to each other.[1] Moreover, it accomplishes such objects in a way that is in general harmony with the needs of a continuing society. These are some of its advantages in soberest prose; but certainly good poetical, and probably good ethical, authority could be found for indulging in bolder language. Love, it is maintained, enriches life incomparably, and even solves—though we cannot admit the solution to be ultimate—its deepest mysteries. It has,

[1] He writes of them: "The lot of humanity is on these children. Danger, sorrow, and pain arrive to them, as to all. Love prays. It makes covenants with Eternal Power in behalf of this dear mate. The union which is thus effected, and which adds a new value to every atom in nature, for it transmutes every thread throughout the whole web of relation into a golden ray, and bathes the soul in a new and sweeter element, is yet a temporary state. Not always can flowers, pearls, poetry, protestations, nor even home in another heart, content the awful soul that dwells in clay. It arouses itself at last from these endearments, as toys, and puts on the harness, and aspires to vast and universal aims. . . . For it is the nature and end of this relation, that they should represent the human race to each other" (Essay on "Love").

no doubt, an extraordinary plasticity; and its intensity has sometimes astonished the psychologist. We have associated conjugal recognition with love's completeness, as it seems necessary for ethics to do. This raises further questions. We shall, however, postpone consideration of chastity and of the family, and with it marriage, till afterwards, when we shall again meet these subjects in our path.

The ancient estimates of friendship, to which we are so often referred in considering that virtue, present, upon the whole, a wonderful unanimity with the modern. True, the stress of modern conditions seems at times to be almost powerful enough to crush out individuality and to render the mechanical phase of human association its only phase. Friendship, accordingly, suffers. Yet, so far as it goes, this evil demands, not the abandonment, but an increase, of friendship, as a reaction against other tendencies. It is true, also, that the breadth of view which is required of us as moral beings will find no fitting substitute in those refinements of fellowship which are exhibited in our intercourse with a few chosen spirits. In the light of the modern enthusiasm for humanity the relative importance of friendship may seem to decline. It may be said to represent the personal

and voluntary aspect of man's union with man. We judge it rather by the depth of the communion, than the outflow which others receive from it. Thus it is not regarded as creating, directly, a social atmosphere. But friendship in this special sphere supplies an all-powerful stimulus. Custom cannot stale its infinite variety. And the influence which it exercises in leading us to make the best of ourselves is beyond dispute.

So understood, friendship implies a union which cannot be exhausted by any enumeration of duties, or virtues, as between friend and friend. Most obviously, perhaps, it implies trustworthiness; it delights in entire sincerity, and in the freedom from conventional restraint which thus arises. So also in its higher phases it gives willingly an appreciation which is not based on any selfish desire for an equivalent return. In the same way, in all its higher aspects it is based, to use Aristotle's hint, on "the good." But it is a noticeable advantage of friendship that it tends so often to render the good concrete. Once more, the bloom of friendship may be easily destroyed. No doubt, aptness to take offence is weakness: and the strong man, in his friendships, will be, before all things, true. But, while the friend will not easily be misled by

calumny or the like, the perfection of friendship can only exist where there is harmony of mind.

Yet the process of linking friends to ourselves by this special tie must not be mistaken for one of shutting out others from our sympathies or our thoughts. And the idea that it is our moral duty not merely to aid, but, so far as possible, to *befriend* the friendless, forms an important branch of the main conception. To relieve the lonely soul of its loneliness is one of the finest forms of charity. For this, often, some imagination is needed—imagination of the right sort. "Few people," it has been said, "are in the habit of employing their imagination in the service of charity."[1] This was orginally written of charity of judgment; but it may be extended to charity of act.

The development of friendship is probably not to be traced along any stereotyped lines. While the basis of unity must underlie the points of difference, contrast, as we so often see, enriches the mutual store. We may attempt, by way of analysis, to classify friendships by the temperaments of friends, if we are so minded. But we must not forget that identical ends which draw men together may be advanced in different

[1] *Essays Written in the Intervals of Business* (7th ed.), p. 29.

ways; that experience of one kind may be supplemented by experience of another; that men respect in others points of strength which they feel to be wanting in themselves. Similarly, the curious phenomenon of a one-sided friendship which, though imperfect, seems often to ennoble the giver, must be recognised. Naturally, old friendships have been specially praised. The quaint words of Jeremy Taylor seem to hit the truth, however, as regards them: "An old friend is like old wine, which when a man hath drunk, he doth not desire new, because he saith the old is better. But every old friend was new once; and, if he be worthy, keep the new one till he become old."[1]

One point of general interest remains. Setting aside questions of feeling and the cultivation of it, we are forced to come to the conclusion that, in very many cases, the duties of benevolence are difficult to define. Does this consideration militate against the essential reasonableness of a high and true benevolence as a whole, against system being implied in virtuous acts? We must answer, No. On the systematic endeavour after the right, the discipline and elaboration of the social spirit, we must insist. But, in certain phases of

[1] "Nature, Offices, and Measures of Friendship."

virtue, the idea of the particular motive, in its popular sense, becomes so overwhelmingly prominent that we hesitate to take duties by themselves as types, and to say, "In the performance of this *kind of thing* the right motive is normally present."

CHAPTER III

TRUTHFULNESS, ETC.

IN this chapter it will be convenient, first, to consider truthfulness—a virtue which, although it may within certain limits be associated with justice, branches out in its own fashion and demands distinctive treatment; secondly, to make some mention of the so-called self-regarding virtues; and, thirdly, to compare the ideas of duty and virtue.

The rule of truth-speaking is so important to society, and its observance or non-observance reacts so characteristically on the moral agent himself, that it is not surprising that it should sometimes be marked out as absolute; and that, when such a view is acknowledged to be inaccurate (a common opinion), questions as to when it is permissible, or rather right, to deviate from it, should attract serious attention. We shall consider a few typical cases in which the duty of truth-speaking is challenged. It is, of course, possible

to attempt to maintain the integrity of the rule by so manipulating apparently adverse cases as to take them out of the sphere of its operation without yielding up the points which they contain. On such a view the ordinary terms relating to truth and the reverse should be modified with special reference to these cases. Thus it may be said that what the ordinary man would stigmatise as a lie, is often not a lie in reality. But we do not think that the absolute nature of the formulated rule can, in the last resort, be vindicated. And we shall not endeavour here to carry out the idea of a technical refinement of terms.

The protection of legal rights may involve us in deviations from truth-speaking. Instances of what is said to be allowable in this connection range from that of a man who resorts to falsehood to save his own life, or someone else's, from a would-be murderer's power, when questioned by the murderer, to trivialities, which the reader will probably condemn, such as that of a woman frightening a threatening tramp away from the door by pretending to call for her husband.

From such facts a theory of truth as a *claim* may be developed. It may be maintained that to tell the truth is, in a quasi-juridical scheme, a duty which we owe to our neighbours; that our neighbours, con-

versely, have a corresponding right to obtain truthfulness from us; but that a person who is, say, a criminal, in certain circumstances by his criminal intent forfeits that right, and so leaves us absolved from our duty.[1] Common sense, however, undoubtedly hesitates to look at the duty of truth-speaking as limited to those cases in which one's neighbour can show that he possesses a quasi-legal claim to have the truth spoken to him. The difficulty arises, not so much from the idea that others can be held to have no claim on us for truth—if we regard ourselves as members of an organised whole—as from the fact that it seems almost impossible to apportion the claim in all its bearings and weigh it against other claims, when an analysis of this kind is demanded.

Again, intrusive questions are often deceptively answered, or parried, in order to guard against the disclosing of important facts which one is not at

[1] In contrast, see, *e.g.*, Kant's essay, "On a supposed Right to tell Lies from Benevolent Motives" (translated in Abbott's *Kant*, Appendix). Kant says: "Truth in utterances that cannot be avoided is the formal duty of a man to everyone, however great the disadvantage that may arise from it to him or any other." And he adds in a note: "I do not wish here to press this principle so far as to say that falsehood is a violation of duty to oneself. For this principle belongs to ethics, and here we are speaking only of a duty of justice." This is *à propos* of the murderer's question.

liberty to reveal. This, in certain circumstances, may be considered permissible. For example, an author, who had published a work anonymously, might be compelled either to deny authorship or virtually to surrender his anonymity. Dr. Johnston, it will be remembered, laid great stress on the fact that Burke *spontaneously* denied to him that he was the author of the *Letters of Junius*. Had Burke made the denial in answer to a question, the case would have been altered. Sometimes the admissibility of prevarication is all that is urged; and such a position, though it seems to be illogical, has a significance, as we shall see. In all these cases the preservation of a trust reposed in us by some absent person, of legitimate reserve as regards our own business, or the like, creates the dilemma; and a wide view of the total meaning of our action is usually taken in judging of it.

From such facts a theory of secrecy may be developed. The whole circumstances of the instance, including the situation of the speaker and the matter discussed, it may be said, must be considered, and in certain instances we are justified in reading a gloss, as it were, into the text of our answer. The gloss will be something like this: "Apart from secrets which I am bound to keep, the answer is"—so and so.

This can only be done, however, where the gloss is manifested publicly in the whole circumstances. It must not be simply reserved in the mind of the speaker.[1] Such a theory can obviously be made to cover, with more or less satisfactory results, all cases where the keeping of secrets is the central point—secrets of trust, secrets of promise, and so on. It is an offshoot of casuistry. And if used as a rider to an absolute rule of veracity, it seems to be a dangerous one.

We are led, next, to what may be called falsehoods of office. The spy and the detective must diverge from truthfulness in order to perform their normal duties. In such cases the question largely resolves itself into one of whether we are prepared to recognise such offices as legitimate instruments of social work, necessary in the existing state of things. Again, problems, in some respects similar, may be raised with regard to a professional position. The example of the physician who, knowing that he will grievously hurt his patient's health if he indicates the truth, conceals it by a falsehood, is a favourite one. And the freedom of the advocate to tell falsehoods in Court is vindicated with such breadth of statement in some

[1] Cf. Rickaby, *Moral Philosophy* (3rd ed.), p. 234.

defences of his position, that a stranger might be pardoned for imagining that it was only on rare occasions that the advocate spoke the truth. There is probably some confusion in the popular mind between the setting forth or elucidation of evidence, and of facts which are not asserted to be the absolute truth, but matter so prepared that the law can deal with it, and the elaboration of an argument, on the one hand, and truth-speaking, in ordinary parlance, on the other. Let it be assumed, however, that in some cases the words of the lawyer, also, form a valid exception. In both of these examples the performance of a definite function, recognised as necessary, may be held to override, within strict limits, the rule of truthfulness. Again, mere reserve may involve the professional man in those mazes of secrecy to which we have already referred.

Questions of a more trivial kind can be raised with regard to conventional phrases of courteous social intercourse which do not express literally the facts of the case.[1] The defence generally made for them is that politeness is, so far, virtuous; and that the phrases used practically deceive no one. Courteous usage inherently tends to exaggeration. On the other

[1] Untruthful expressions of *abuse* may also become conventional.

hand, it cannot but be admitted that while it seems pedantic to attack specially any single convention of this kind, a general tone of conventional insincerity is hurtful to society. The argument, "that they practically deceive no one," too, is probably all that can be said in favour of untruths which are told in jest. Then the assent to tests and formulæ dealing with religious belief, and the performance of religious acts which indicate a certain belief, raise serious problems. When these formulæ and acts have ceased, in the common estimation and in our own, to bear their original signification, it would be pedantic to insist on the interpreting of them literally. But the difficulty which lurks in the way here, arises when they are not recognised, on all hands, as now obsolete; when they are still, in fact, being disputed to some extent on their merits.[1]

Once more, a curious case, theoretically, occurs where a man, knowing that he will be believed to speak with intent to deceive, tells the truth, and thus misleads the questioner. An officer in the American

[1] Good arguments "in a nutshell" on different sides of this question (on which so much has been written) will be found in Lotze's *Outlines of the Philosophy of Religion*, ch. viii. §§ 95, 96, and "The Limits of Compromise," in *Free Thought and Christian Faith* (M'Quaker Trust Lectures, 1890), iv.

Civil War is said to have pursued this policy in dealing with the enemy. On being taken prisoner and questioned by his captors, he told them the direction in which their own lines lay, knowing that they would disbelieve him.[1] The case is interesting as bringing out how veracity depends on intention. Taken in connection with the doctrine of secrecy, it supplies much material for argument of a scholastic kind.

Of exceptional, or apparently exceptional, cases to the rule of veracity,[2] it may be broadly maintained that their abstract consideration tends to give them undue prominence. What morality first of all demands is a truthful "set" of character. The more trivial problems, at anyrate, connected with the exceptions are for the most part easily solved in real life. The moral point which is to be aimed at in the circumstances is generally clearly seen. As

[1] Smyth's *Christian Ethics* (3rd ed.), p. 397.

[2] It may be worth while noting that even so strenuous an advocate of veracity as Canon Gore says: "It can hardly, however, be denied that there are rare cases where untruthfulness in word becomes a duty owing to the social evil which verbal truthfulness would involve. Thus almost all men would think it right to lie to a would-be murderer in order to save a life. . . . But there are certain more normal cases where professional reserve involves something approaching untruthfulness" (The *Sermon on the Mount*, p. 209.)

an example of difficulties which are much reduced in practice, consider the various kinds of reserve imposed on members of the learned professions. In very many instances these members are in a position to resent efficiently, on behalf of their class, any attempt to make them betray confidences. The war is thus carried into the enemy's camp, and the question of falsehood does not emerge.

Indirect falsehood, perhaps, escapes its due measure of condemnation, because it shades off into mere reserve. Yet a sort of atoning justice is done in the measure of the contempt which we bestow on the "sneak." The *suppressio veri* and *the suggestio falsi* are the meanest of the arts. They are powerful, because suggestion constitutes a large part of social communication.

On *reserve* we have probably said enough. Common sense is extremely reluctant to let inquisitiveness encroach upon the inner sanctuaries of the soul. But we must be careful that our inner sanctuary shall not turn out to be what Mr. Zangwill calls "the unholy of unholies." A wider recognition of definite spheres of reserve might be a social benefit. If we relate reserve, legitimate and illegitimate, to positive deception, we shall probably find Bacon's three degrees of hiding

or veiling oneself suggestive for practical purposes: there is, first, secrecy, strictly so called; second, dissimulation in the negative, when a man lets fall signs and arguments that he is not that he is; third, simulation in the affirmative, when a man industriously and expressly feigns and pretends to be that he is not.[1]

Obviously, it would be difficult to give any adequate analysis of falsehoods generally; but, by way of illustration, we may mention those types which involve—the injury of our neighbour's character; the feeding of our own conceit; and the illegitimate pursuit of worldly advantage.

First, in slander, in its popular signification, we have a positive injury done to another's character, of which the law will for the most part take cognisance. Of many attempts which may be made to disparage a man in the estimation of others, one of the most insidious is where a slanderous statement is propagated under the guise of the fulfilment of a disagreeable duty. We have here the attempt to create a spurious "privilege." On the legal aspect of the subject, which is complicated, we need hardly enter: a person, it is ordinarily said, has a right to his reputation; but, of course, circumstances may render an imputation,

[1] Essay on "Simulation and Dissimulation."

otherwise wrongful, justifiable, and the imputation may be too trivial for legal interference. Secondly, we have the falsehood arising from boastfulness, so much disliked by Aristotle, which we may trace through many phases, from the vulgar misstatement of a man's own merits in a manner which would offend even were the substance true, to the skilful colouring of the edges of one's personality by deceptively chosen hints and allusions. Subordinately, we may notice the "embroidery" of facts generally. Truth is far too fond of neutral tints for some persons:[1] but, at the same time, due allowance must be made for differences of vision. Thirdly, a special spirit of falsehood is sometimes said to be revealed in the modern commercial world. It is true that the moral sentiment always reveals its weakness where the real strain is put upon it. And it must be admitted that the continuous strain of commercialism relaxes to some extent the bonds of truth. But the problem for the most part lies deeper than mere truth-speaking.[2]

[1] Pascal's *mot* goes even further: "Even if people have no interest in what they say, it must not therefore be certainly concluded that they are not lying, for there are those who lie simply for lying's sake." Habit has a great deal to do with this.

[2] Cf. Professor Marshall: "The opportunities for knavery are certainly more numerous than they were; but there is no reason

A well-known question of casuistry is how far the seller of a thing is morally bound to disclose its qualities to the buyer. So far as it goes that question points to the difficulties which surround a plan of competition at arm's-length. And the sentiment of industrialism with regard to truth is largely the outcome of the whole situation. Yet, while we must unquestionably endeavour to keep in order, by public opinion and otherwise, what have been somewhat libellously summarised as the "arts of advertising, touting, adulteration, political jobbery, and speculation,"[1] there are some points, such as the question of legitimate advertising, on which plain truthfulness, apart from any complications introduced by the social problem or the cultivation of general character, might be allowed to exert its influence with advantage.

Much discussion of a casuistical nature has grown out of the conception of reputation. For some purposes it must be treated as a *thing*, and yet it is nearer and more vital to the man than any ordinary thing can be. It is, as it were, the reflection of

for thinking that people avail themselves of a larger proportion of such opportunities than they used to do. On the contrary," etc. (*Econ. of Industry*, p. 7). Cf., also, the evolutionary view of the development of veracity.

[1] Hobson, *Problems of Poverty* (3rd. ed.) p. 205.

his character in the social mirror. A quaint instance of the casuistry of the subject may be quoted from Father Rickaby's work. "Suppose a veteran, long retired, has made a name for military prowess by boasting of battles wherein he never came into danger: is the one old comrade who remembers him for a skulker and a runaway, justified in showing him up? No; for that reputation, however mendaciously got together, is still truly a good possession: it is not a fruit of injustice, therefore it is no matter for restitution: nor is it any instrument of injustice, which the holder is bound to drop: thus as he is not bound to forego it now that he has got it, so his neighbour may not rightfully take it from him."[1] Most of us would probably hold that the veteran had committed a series of acts, fraudulent in the moral sphere; that the "one old comrade" was therefore justified in exposing him in order that he might receive punishment from public opinion; and that his false reputation ought to be taken from him, whether as a matter of penal, or quasi-civil, justice, or of mere prevention. It may be urged that, in falsely enhancing his own reputation, the veteran did not detract from the reputation of his neighbours.

[1] Rickaby, *Moral Philosophy*, p. 252.

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But if he unduly raised the average standard to the detriment of others, a case even on this ground might be made out against him. At anyrate, it is important to society that the character of the cheat, even when only exemplified in such a matter as this, should be published, which involves the breaking down of the false reputation. And it is intolerable that when the regard and praise which society reserves for true prowess are, by an error on its part, being bestowed on a liar, his former comrade should not be justified in putting society in possession of the true facts of the case. The question, however, raises several points—how far a man has a title to his reputation; how we are prepared to deal with the possessor of ill-gotten gains which are not "gains" in the ordinary sense of the word; how far friendship justifies a man in preserving silence as to his neighbour's bad character—all of which are interesting.

Hypocrisy in moral affairs is a vice which, while it possibly penetrates deeper than falsehood, is necessarily associated with it. Here an insincere course of conduct is pursued by those who are in opposition to goodness with the object of ranging themselves alongside of the good. And, if it is assumed that the principles of the good are asserting themselves

successfully, the advantage which accrues from this plan is obvious. The forces of the successful type are, so far, on the side of the hypocrite; while, at the same time, he may succeed in carrying out his own particular schemes.[1] Accordingly, the advantage which a cause derives from its being unpopular, as has been frequently pointed out, is that it is freed from the adherence of false friends. A minor variation of hypocrisy is pretentiousness. Its personal aspect has been exposed for all time in La Rochefoucauld's famous epigram: "Gravity is a mysterious carriage of the body, invented to cover the defects of the mind."

In literature we meet with so many studies of the psychology of deception that the deceiver's world, as it appears in books, at anyrate, is fairly well known to all. We may refer to two examples of the reaction of deception on the deceiver himself, which afford a suggestive contrast between audacity and shame.

A forcible representation of a career of commonplace falsehood, when it is surrounded by encouraging circumstances, is given in Browning's "Sludge, the Medium." Sludge, it will be remembered, tells how he began his course of Spiritualistic fraud with nothing

[1] See Alexander, *Moral Order and Progress*, bk. iii. ch. ii. pp. 322, 323.

worse than a plausible tale. What he indulged in was merely "fancying, fable-making, nonsense-work." It was but a foot in the water and out again. There was a substratum of truth in his statements. One sees *something* when one shuts one's eyes; and tables do tip very strangely. But the nonsense-work developed into earnest scheming, and we soon have the full-grown quack. Sludge finds that people are curious, almost anxious, to be deceived by him: and the good things of life, when thrust before him as the reward of iniquity, become irresistible. He says frankly—

> "I lied, sir—there! I got up from my gorge
> On offal in the gutter, and preferred
> Your canvas-backs: I took their carver's size,
> Measured his modicum of intelligence,
> Tickled him on the cockles of his heart
> With a raven feather, and next week found myself
> Sweet and clean, dining daintily, dizened smart,
> Set on a stool buttressed by ladies' knees."

Nevertheless, the usual good motive had to be introduced to help to justify the bad acts—these positively "served" religion by refuting atheists. And, finally, his *apologia* resolves itself into the old accusation levelled against society—

> "I cheat in self-defence,
> And there's my answer to a world of cheats!"[1]

[1] *Works* (1888), vii. pp. 190, 193, 238.

Very different is the character of Mr. Dimmesdale, the minister, in Hawthorne's *Scarlet Letter*, whose feelings at the time when he held office as a much appreciated clergyman, concealing his previous guilty relations with Hester Prynne, are portrayed by Hawthorne in his delicate way. "It is inconceivable," says Hawthorne, "the agony with which this public veneration tortured him. It was his genuine impulse to adore the truth, and to reckon all things shadow-like, and utterly devoid of weight or value, that had not its divine essence as the life within their life. Then what was he?—a substance?—or the dimmest of all shadows? He longed to speak out from his own pulpit at the full height of his voice, and tell the people what he was. . . . He kept vigils, likewise, night after night. . . . In these lengthened vigils his brain often reeled, and visions seemed to flit before him. . . . None of these visions ever quite deluded him. At any moment, by an effort of his will, he could discern substances through their misty lack of substance. . . . But, for all that, they were, in one sense, the truest and most substantial things which the poor minister now dealt with. It is the unspeakable misery of a life so false as his, that it steals the pith and substance out of whatever realities there are around us, and which

were meant by Heaven to be the spirit's joy and nutriment. To the untrue man the whole universe is false —it is impalpable—it shrinks to nothing within his grasp. And he himself, in so far as he shows himself in a false light, becomes a shadow, or, indeed, ceases to exist."[1] Even if we fail to follow assentingly the wide sweep of Hawthorne's last thought, we must admit that the idea contains a large measure of truth when applied to the social universe.[2]

But, in tracing the remorse of deception we must not overestimate its power. Habit may render it extremely painful for a man to acknowledge the truth to himself. He then pursues, very probably, a course of self-sophistication. He is grateful to others who flatter him into his delusions. His desire is to loose his rational life, and he sometimes achieves his object.

And here we may remind ourselves, in a word, that deceit generally has its legal side. The telling of untruths, and like acts, when they seem to amount to fraud, are swiftly condemned by common sense. Yet

[1] *The Scarlet Letter*, ch. xi.

[2] The converse is given in the well-known lines—

"To thine own self be true;
And it must follow, as the night the day,
Thou canst not then be false to any man."

the doctrine of responsibility for statements where the representation is *primâ facie* of a fraudulent kind requires careful treatment from the legal standpoint. Perjury, again, is an immorality closely associated with law; and he who is guilty of it, it has been said, substitutes in the most solemn manner falsehood for truth. It is also regarded as an obstruction of the most serious kind to the course of justice; and this is perhaps a more consistently legal view.

We must now pass on. The tendency to socialise the so-called self-regarding virtues is marked in many modern theories; and we shall assume that to touch on those virtues is sufficiently in order here.

Fortitude, or the modern virtue which corresponds to it, by whatever name we may call it, must not be identified with the capacity of enduring pain, or of facing dangers more or less clearly conceived, to the detriment of the courage implied in the higher types of devotion and heroism. But that is not at all necessary. Professor Bain, after praising Aristotle's account of courage, remarks that a line of distinction should be drawn between two aspects of it, which are practically those that we have mentioned. The first is resistance to fear properly so-called, to the perturbation that exaggerates coming evil. The second is

what gives it "all its nobleness as a virtue, namely, self-sacrifice, or the deliberate encountering of evil, for some honourable or virtuous cause."[1] Devotion to a worthy cause or end, in short, shows the important side of the virtue; and the maintenance of the capacity for devotion makes men and nations morally strong. It is perhaps true that the raw material of moral character is more closely associated with the idea of courage—for example, in the common estimates of pluck—than can be justified. But the reason lies partly in the fact that the power of "being determined," of facing resistance in spite of danger, is, so to speak, a founding quality, and partly in the strength of military and adventurous ideals. The fighting type of courage appeals strongly to the world, for many reasons. It is dramatically inspiring in its contempt for death and disablement. It overcomes certain well-known fears. It is associated also with loyalty and patriotism in the popular mind. While, then, it is impossible to enumerate the different qualities of temperament and the developed moral sentiments which difficulties and dangers may appropriately call forth, we may suggest the following:—nerve and daring; reasoned forethought; persistence; cheerfulness; the power of identifying

[1] *Mental and Moral Science*, ii. p. 489.

oneself with a great common cause; the power of standing alone, apparently against the world, but really on behalf of a better world "which is to be."

Temperance may sometimes be conveniently restricted to due self-control, in view of the pleasures connected with the body. But we must point out, to preserve our general width of view, that, for obvious reasons, its meaning may be widened to self-control on the whole side of our nature thus shadowed forth.[1] Food and drink we should take (according to received opinion) moderately, but not as medicine.[2] In giving the satisfaction of hunger and thirst a social turn, we divest them of their characteristically animal aspect; yet we are in no way ashamed of eating and drinking. The spiritual, and even the sacramental, aspects of the common meal have often been marked out for praise. The popular connection of temperance with certain classes of efforts to remove drunkenness from society, shows the gravity of that evil. The love of drunkenness may be considered physically to be, as Professor James says, an accidental susceptibility of a brain evolved for different uses.[3] The attempts to combat

[1] The characterisation of temperance as "wisdom in things to be chosen" will suggest itself, although it is not entirely satisfactory.

[2] See St. Augustine's *Confessions*, bk. x. sec. 31.

[3] *Principles of Psychology*, ii. p. 628.

it by some process of ascetic training, or by the stimulation of higher interests which will supplant the lower, in cases where that is possible, are specially interesting; while criticism of the legal machinery connected with the licensing laws introduces us to the political side of the problem.[1]

Moderate drinking is, of course, not the only indulgence of the kind the legitimacy of which is debated. Other pleasures may be regarded, by some as always bad, by others as only bad when pursued excessively. In a note to his translation of Aristotle's *Ethics*,[2] Mr. Peters points out that the distinction between "pleasures that fall beyond the pale of legitimate pleasures," and pleasures that are pursued

[1] "Temperance" and "Trade" literature is too voluminous for us to attempt to give references to it. In Rowntree and Sherwell's *Temperance Problem and Social Reform*, the following principles, *inter alia*, are advocated:—(1) That localities shall organise and control the drink traffic under the direct supervision of the central government. (2) That the whole of the profits shall in the first instance be handed over to the central State authority. (3) That the sole benefit which a locality shall receive from the profits of the traffic shall be the maintenance of recreative centres, whose primary object shall be to counteract the influence of drink. (4) That the grants given shall be in ratio to population. (5) That similar grants shall be made to prohibition areas (see p. 421, 3rd ed.). These principles suggest the most important points that have to be considered from the social side.

[2] *Nic. Ethics*, vii. 7. 2.

excess but are legitimate, is illustrated by the distinction which opinion in England draws between opium-smoking and tobacco-smoking. The former is regarded as ὑπερβολή, an altogether illegitimate pleasure; the man who pursues the latter too eagerly is regarded as pursuing, in excess, καθ' ὑπερβολάς, a legitimate pleasure. This distinction, which may be taken as a point of departure for discussing the question of total abstinence, is clearly useful in other ways.[1]

As regards purity or chastity, again, its social side is obvious. Whatever be the form adopted by society to control the sexual relations of its members, it is certain that these must be regulated on a definite plan, and that infringements of the regulations must be visited with a condemnation in which emotion plays a conspicuous part. When the social dictates which the standard of purity involves are ascertained, these, on the one hand, must be respected and, where they show weakness, improved; and, on the other, that regulation of individual impulse which temperance implies must be cultivated in general conformity with them, and that growth of feeling which hedges round the precepts of the sexual law fostered within due

[1] An interesting discussion of Aristotle's "Incontinence" will be found in *Mind*, N. S., Nos. 23 and 24.

limits. And undoubtedly, as a fundamental point of theory, it must be admitted, or denied, that women, from the sexual point of view, are entitled to equal consideration with men. It is noticeable that the peculiar nature of the sexual relation often renders a special undercurrent of adjustment, or of revolt, traceable beneath the social flow.

An effort may be made to single out those aspects of sexual conduct which relate most directly and clearly to public order, such as the production of children, the prevention of rape, the suppression of public indecency, with the view of leaving the remaining aspects entirely at the mercy of the individual. The latter aspects, it may be said, do not involve questions with which the moral sanctions are concerned, but simply involve questions of taste of which the individual must be the judge. The separation between the freedom of the individual and the harmony of social life which such a theory necessitates, however, seems to be peculiarly difficult when applied to such fundamental facts as the sexual relations. An inquisitorial State-interference may be resented in matters of sex as in questions relating to drink; but—apart from theories of State-interference and of the ultimate moral sanction altogether—to deny

the validity of moral sanctions of a social kind when applied to any but a few restricted and external forms of the sexual relationship, is surely a grievous mistake; one whose popularity would militate strongly against public order itself.[1]

With undue indulgence in eating, drinking, and the sexual appetite, gambling is sometimes associated—chiefly, perhaps, because the physical excitement which it tends to produce offends against the ordinary sense of self-control: and the list thus begun may easily be extended. Even rage, or passionate anger, may be regarded as a form akin to these. In its satisfaction, the impulse to destroy opposition is often gratified by wreaking destruction on other objects than those which directly raised the resentment. So, the relief afforded by swearing, which is a more ideal form of intemperance, comes, it has been pointed out, from the breaking down of ideal barriers which convention or religion erects.[2]

[1] The power of such emotions as modesty, shyness, and repulsion at close bodily contact with others, must be taken into consideration when the gyrations which the gratification of sexual appetite pursues are being noted. Morality is chiefly concerned with modesty of the more developed kind, and with dictates to which social life gives clear meaning. But it is useful to remember that, along with the sexual instinct, impulsive checks to it seem to be found.

[2] Stout, *Psychology*, ii. p. 97.

How then, on the whole, do fortitude and temperance fare in our own day? A movement favourable to courage viewed as an active type of fortitude, is, according to many, noticeable at present. The desirableness of dash, impetuosity, a life of adventure and achievements of the bolder kind, is persuasively put before us. And undoubtedly the attempt to improve the prestige of the courageous spirit, if the higher types of courage are to receive due consideration, must be welcomed. If any reaction from the mechanical servitude of industrialism will presumably give us manliness, force of character of an upright kind, heroism, in fuller measure than we have them, it assuredly deserves consideration. But the higher types of valour must be placed in the front; and the moral sense, generally, must be consulted. Temperance —at anyrate, apart from questions connected with drunkenness — does not seem to fare so well at first sight. But steady effort is being made to inculcate the necessity for enlightened self-control. Projects for reform which deal with notorious vices are perhaps specially liable to be formulated in a crude way; a fact which is sufficiently explained when we consider that vice seems much more external than it really is: that the subject of vice is always more or less "sensa-

tional"; and that the need for improvement is generally urgent.

The adoption of proper means for the preservation of health is sometimes classed, formally, as a duty. So, with "industry," "mental culture," and the like. Health is, in ordinary circumstances, a condition of good work. The maintenance of health, even when the individual's attention is confined to his own, has, of course, its social aspect.

If the preservation of one's health is in some measure a duty, what of the preservation of one's life itself? Here a certain amount of interest attaches itself to a famous question, which we may ask again —Is suicide absolutely prohibited?[1] The answer of many thoughtful persons would be, that, although some of the popular arguments against its moral legitimacy are far from satisfactory, the general consensus of opinion against suicide, as it appears in its ordinary forms, is irresistible. Indeed, in a recent study of the law of suicide, the conclusion is reached that all civilised nations now condemn suicide on some ground, either as an act of moral cowardice,

[1] Lecky (*History of European Morals*, ii. ch. iv.) may be usefully consulted on the influence of the Christian idea of the sanctity of life on suicide.

or of rebellion against God, or of disloyalty to the State, or of desertion of one's family.[1] Yet, as it is difficult to say for what causes a man may legitimately sacrifice his life, so it is difficult to draw an absolute line as to the "taking" of it. In some cases where suicide can be traced to a *primâ facie* principle of "death before dishonour,"—when women have killed themselves to avoid not moral dishonour (which could not be forced on them), but violation and bodily defilement,—the tendency is sometimes shown to condone the act. But suicide, it must be remembered, finds very many of its victims amongst the educated and the reflective, and freedom to end a useless and hopeless existence may seem to be just another step in the same direction. Against such suggestions, the argument, that we cannot believe that any human life has become so worthless that all capacity for good has left it, is a very powerful one. The individual, it is urged, cannot morally shirk the moral life, however feeble the issue in his particular case seems destined to be. He is fighting in the ranks of duty, and desertion is a crime. It will be observed

[1] But the trend of sentiment, it is stated, is to exclude simple suicide, as distinguished from *attempts to commit* or *abetment*, from the sphere of positive law. Manson, "Suicide as a Crime," *Journ. Soc. Comp. Legislation*, N. S., ii. p. 318.

that the moment one looks upon life as a mere possession, belonging, as it were, to the private self, one approaches the point of view from which the draining of life to the dregs is undesirable, as the draining of a flask of wine to the very end would be. The analogy seems to be fallacious, however. It makes us too much our own property.

Nevertheless, we must admit that the future may present itself to an unfortunate person under very ghastly and hopeless conditions indeed. This is especially true where the act of suicide is resorted to in order to avoid extreme torture, with death as the issue, when such a process involves the probability of the sufferer's disgracing himself through those infirmities from which no man is entirely free; or even merely to avoid torture ending in death. The certainty that, whatever happens, death is inevitable, affects the case. And perhaps many would be inclined to withdraw one or both of these instances from the sphere of suicide proper.[1]

Suicide, it is sometimes explained, involves not

[1] Cf. those cases where wounded men belonging to an army in difficulties request to be despatched, in order to avoid falling alive into the hands of a barbarous enemy; and the sanction which popular opinion bestows on the resolve of soldiers rather to kill their wives and children lovingly, than to allow them in dying to suffer gross barbarities from foes.

only the outward act of destroying life, or its renouncement, but that "the subject has himself and his own advantage in view, and wishes to escape from certain evils." It is thus attempted to distinguish it from self-sacrifice for an ideal or for a social good. "Its guilt, therefore," it is said, "consists in the fact that life is thrown away wilfully, whether from fear of physical or moral evils, or in hope of a higher gain, as is the case in the suicide of fanaticism."[1] It is somewhat difficult, perhaps, to distinguish in the abstract such an end as "higher gain" at its best, from an ideal or a social good. Another and more popular view is that the *direct* bringing about of one's own death constitutes the act. The difficulty is thus thrown into the explanation of the term "direct."

Admitting that there are exceptional instances, involving subtleties of definition, however, it is clearly necessary that a firm social attitude should be taken against suicide generally, in modern life.[2]

[1] Dorner's *Christian Ethics*, § 59.

[2] The individualistic view of suicide is well expressed in the lines—

> "Four acts are done, the jest grows stale,
> The waning lamps burn dim and pale,
> And Reason asks '*cui bono?*'"

For a vigorous essay on the whole subject, see James on "Is life worth living?" *The Will to Believe*, p. 32 *seq.*

The morbid mental condition of many suicides is of itself sufficient to justify this.

As we are now at the end of the first general division of our subject, we may consider briefly the inter-relation of virtue and duty. The ground is somewhat debatable. If, however, we attempt to employ the virtues as a systematic basis of classification for duties (which become very various when the particular circumstances attending their performance are even perfunctorily taken into consideration), we find the former generally regarded as qualities of character manifested in, or fitting for, the performance of duties, and in such a sense more general than the latter. The chief difficulty in the way of this conception seems to arise from that usage of the word virtue in accordance with which, although a man may have in a given instance "done his duty," we refuse to call his act virtuous in the fullest degree, unless it seems to be exceptionally good. Now, we must distinguish between the suggestions which may be found in the words, and a view which will set the two terms in a satisfactory theoretical relation. Whether we have presented to us, tentatively, a grade of virtuous action which is higher than duty, or two grades of

duty, a higher and a lower, as may also be done, these distinctions, though not without their significance, must be subordinated to the whole, when due emphasis is given to the controlling idea of morality itself. Such seems to be the prevailing conclusion. Virtue, therefore, naturally falls into the more important position indicated above.

There is, however, a legal reference in duty, which shows itself clearly. This may be treated in various ways. One fairly modest aspect of it appears in the grouping together of those duties which the average man—or the fairly good citizen—may in all ordinary circumstances be expected to observe.[1] These are duties with which we are specially familiar. Here we have the general rule and the normal person—parts of the machinery of jurisprudence—

[1] Prof. Ziegler writes, in this connection: "There is one thing to be adduced for the doctrine of *duty* from our whole consideration. If there is an average standard for the moral man and his services, then it behoves every man to place that standard, in his own case, not as low as possible, but as high as possible, and so to cultivate himself that any great mission, any great occasion, may find him prepared; it is his *duty* to give his moral ideal an ever higher and broader range, so that moral idealism may inspire him to render the best and most difficult service that the world, life, and the times can require of him. For moral enthusiasm is the most superb blossom of morality, just because it never imagines that it does more than it must do" (*Social Ethics* (Eng. trans.), pp. 89, 90).

introduced. The idea of *casuistry* will be considered in another chapter.

But, further, it may be urged that there is an emotional characteristic observable in some of the virtues in their completeness—a characteristic affection—which is altogether unnecessary in duty; and this forms, so far, a ground of distinction between the two heads. As regards virtue, probably the emotional characteristic in question cannot be ignored, even when we take a reflective, as opposed to a popular, view of it. It is expected of us that some pregnant emotions which can be trained in accordance with right living shall be so trained—shall take their place in the whole. The cultivation of feeling thus comes markedly into view. To some extent feeling is a matter of virtue. And, while the use of other parts of our emotional nature may be also insisted on, the cultivation of affection, as we have said, is really the question of vital importance. We have already seen how resentment may oppose affection. We have admitted that resentment may work in accordance with the right; but we have stigmatised it as "dangerous." We have now to meet the obvious retort, that affection may be dangerous too. Clearly, there are occasions

on which it may. Family affection, for instance, sometimes leads to a defiance of the plain principles of duty. But, when all is said, the affectionate side of our nature has a very much closer relationship to deliberate goodwill than its opposite can claim. At least, if it has not, we must recast the ordinary conception of human nature altogether. On the other hand, it would be going too far in the opposite direction to say that the kindly and unkindly temperament are put on a par, in respect of the demands made on them; or that, when our relations to others are vague, the doctrine of affection does not become vague in correspondence. If, then, in accordance with much ethical exhortation, we are disposed to accept the view that the cultivation of regulated affection must be emphasised, we must conclude that duty ignores it, so far as it really does so, rather by accident than from design. Of course, the cultivation of the emotional feature referred to may involve lapse of time, and therefore be beyond the *duty of the moment*, if we attempt to limit duty in that way.[1]

[1] Cf. Mackenzie, *Ethics*, p. 195 *seq.*; Caird, *Kant*, vol. ii. bk. ii. ch. iv.; Sidgwick, *Methods of Ethics*, p. 222 *seq.* The *nuance* in all these terms counts for a good deal; and a demand may be made

Let us see how this defence of affection tallies with common sense. Dr. Sidgwick thinks that common sense "clearly regards as virtuous the disposition to render substantial positive services to men at large, and promote their well-being—whether such a disposition springs out of natural kindliness of feeling towards human beings generally, or whether it is merely the result of moral effort and resolve—provided it is accompanied by an adequate degree of intellectual enlightenment. And the same may be said of the less comprehensive affection that impels men to promote the well-being of the community of which they are members; and, again, of the affection that normally tends to accompany the recognition of rightful rule or leadership in others."[1] But when we pass to more restricted affections the case is more difficult. If we ask whether intense love for an individual, considered merely as a benevolent impulse, is in itself a moral excellence, Dr. Sidgwick answers that it is difficult to extract

for an analysis of what is meant by affection, with a view to showing its different phases. But here we are merely attempting to set in its place that broad sentiment of affection for which current morality has undoubtedly a deep regard.

[1] *Methods of Ethics*, p. 244. Cf., however, the passage quoted from Dr. Sidgwick in Chapter II. *supra*.

a definite reply from common sense, but he thinks it inclines towards the negative.[1]

The latter statement suggests, in the first place, the fact that common sense is unwilling to dictate to the individual on such matters as falling in love and entering into intimate friendships, owing to varieties of intellectual and emotional constitution and of schemes of life. Moreover, intense emotion of the kind under discussion may easily upset the general moral equilibrium, as common sense knows. It has a suspicious resemblance to passion, with the bit between its teeth. At the same time, the man who renounces the ordinary means of cultivating his nature provided by marital and friendly intimacy has to show some justification for his turning aside from the beaten path; though there are many such justifications, no doubt. It is obvious, of course, that when these spheres are formed, affection and duty are very closely blended.

The disposition to render positive services to men at large, "which is merely the result of moral effort and resolve," again, must be judged with reference to the value we set on "sweet" reasonableness and "humanistic" feelings. So far as they can be

[1] *Methods of Ethics*, pp. 244, 245.

cultivated, we seem to demand these qualities; and, as we have already urged, we seem to demand that the effort be made to attain to them.

Forms of duty, then, suggest this implication. Morality must be definite, in some sense; and duties are supposed to satisfy that requirement. But we would submit, and shall hereafter more plainly argue, that the general statement of a duty is never quite adequate to the circumstances. We therefore would not bestow too high a place on classifications of duties, useful though they be. On the whole, we might present the general antithesis thus—

> "Just a path that is sure;
> Thorny or not."

That, on our hypothesis, is the aspiration of duty. If we add—

> "And a heart honest and pure,
> Keeping the path that is sure"; [1]

that, on our hypothesis, is virtue.

The question of casuistry, as we have said, remains. But a few examples of typical divisions of duties, apart from their relationships to the virtues, may be appended. There are positive duties, and, opposed to

[1] *Raban*, by Dr. W. C. Smith, p. 52.

them, negative duties. There are duties which are said to be always binding, and, opposed to them, duties which are said to be not always binding. The idea which dominates this distinction is that certain duties can be specially restricted to cases in which the circumstances are relevant. Duties of perfect obligation, again, may mean, *inter alia*, duties which are binding, and not merely admirable; or, duties which are absolute in the sense of not being dependent on time, place, etc. Duties of imperfect obligation form the opposite classes. Then there is the division between duties of recognised kinds, and duties which are admitted to be too subtle to be thus classified. A legal classification of some importance in dealing with offences, is that of relative duties—to which rights of determinate persons correspond; and absolute duties—to which no such rights correspond. The rights here, of course, are legal. Another distinction may be drawn between "regulative" duties, directed to the ordering of life, and "productive" duties, directed to new moral conditions and "further good." The distinction is perhaps better indicated by the phrase—"moral order and progress." Lastly, there is the ordinary classification into duties to oneself, duties to others, and duties to God, in all its variations;

which has the advantage of "use and wont," but needs to be considered in the light of social organisation.[1]

[1] Some useful examples of classifications of duty will also be found in Smyth's *Christian Ethics*, pt. ii. ch. i. 5.

PART II

SOCIAL ORGANISATION

CHAPTER IV

THE SOCIAL GROUPS GENERALLY

IN this, the second part of our task, we weave, as it were, a new thread into the argument. Virtue has to face, more directly than it has hitherto done, the complex organisation of life. We shall, in the first place, illustrate very generally the manner in which ethical principle may be seen working itself through the main social groups.

We have to note, first, our duty as civilised men to the uncivilised. If collectively we stand to some extent in a paternal or fiduciary relation to them, that relation is one which may very easily be abused. Civilisation possesses an organised force of arms with which the uncivilised cannot hope to compete. It possesses, too, other resources, which, however good

they may be in themselves, are sometimes evil to an undeveloped race. And when, by fair means or foul, the influence of civilisation has become a dominating one over the uncivilised, intricate questions have to be faced, as to what attempts are to be made to develop a higher life out of the barbarous beginnings which are revealed.

We may take as typical sources of the influence of civilised man over the uncivilised, brute force, and the capabilities for political organisation, industry, religion, and morality which he possesses. The use of force suggests the claim to extend its own domination on the part of a civilised State. That claim is a dangerous one for the student of morality to press forward. Yet the natural ascendency of civilised races, and the necessity for developing the resources of the world, are points which cannot be ignored. Perhaps the popular feeling is, in general terms, that where the higher and the lower of the two forms of life come into collision, the higher must resist encroachments from the lower; while, if the higher at any time profess to encroach with good reasons, it ought to attempt to take up into itself and transform the lower. In the sphere of political organisation, again, if we assume a civilised nation to have become dominant

somehow, that nation can undoubtedly exercise a good influence by protecting primitive peoples from themselves, and "opening up" generally. The political conditions of progress may thus be secured. As a set-off to this advantage we have to reckon with a tendency to tyrannise, and, at times, reckless attempts to discard primitive organisations which have some positive value. Then problems which arise out of commerce, religion, and morality are frequently thrust before us. The old accusations against the "beer and Bible" of modern commercialism are constantly being revived. The land and the labour of primitive peoples will almost inevitably attract unscrupulous dealing, if suitable opportunity is afforded. Primitive customs, moreover, draw on all the resources of our tact and discretion, if we attempt even with the best intentions to interfere with them. On the whole, it is peculiarly true in this relationship, that if we take care of our duties, our rights will take care of themselves. And here our action must be in large part conjoined: our influence must be mainly exerted through the State, and through the common sentiment of civilised communities. For the number of civilised persons who have private dealings with the uncivilised is relatively small. Of course, State action must not be confused with private action.

The two are not on a par. But both require to be guarded.

These considerations are perhaps as significant as any that can be generally advanced. More technically and legally, States frequently acquire rights over uncivilised or semi-civilised countries by establishing Protectorates. Such States as do so are held to be bound to see that a reasonable measure of security is afforded to their subjects, and to foreigners as members of other States, within the protected territory; and this task includes the prevention of acts of depredation on the part of the native inhabitants. Conversely, the native inhabitants must to a reasonable extent be protected from harm. There must also be some provision for the administration of justice between man and man. The natives are generally not ripe for the administration of a European law; and the differences in the grades of development which, as a whole, protected peoples present, are so marked that the forms in which control can be reasonably exercised over them are very varied. Such Protectorates (which are somewhat different from those of the Indian Empire) must for the most part be regarded as a transitional form of relation between the civilised and the uncivilised. Colonies should be distinguished

from them. A protected territory is not an integral part of the territory of the protecting State. A protected community, indeed, is in a "better" general position as regards its internal sovereignty than a colony. "Sphere of influence," again, is a less definite term than Protectorate. A State is presumed to act as a restraining and directing power within its sphere of influence. It is expected to exercise such influence as it has in the development of good order; but it does not undertake any definite responsibility. The right created seems to be hardly legal; it is rather an understanding, or a moral assumption of authority.[1]

Next, we turn to *international* relations. Nations, it has often been affirmed, are still in their savage state in their external relationships.[2] But the

[1] Cf. Hall, *International Law*, §§ 38*, 38**.

[2] Cf. such a statement as this of Mr. F. Greenwood: "There is abundant room and opportunity for the *influence* of the Moral Law in international affairs, and its influence is by no means a failure. But they go upon a foundation of the Natural Law; they cannot be removed from that foundation yet; and hence it follows that statesmanship has still to work perforce by the Natural Law, which is brutal, and only as it can by the Moral Law, which is divine. In effect the statesman is part of an unregenerate order of things, and can only get above them at the risk of losing hold upon them. Here he has to deal with forces as forces, and little with their morality; for whatever that may be, it rarely modifies their weight, subtlety, effect" ("The Law of the Beasts," *Nineteenth Century* for October 1897, p. 546).

necessity for improvement is realised; and, indeed, a great advance has been made. It is very difficult, however, to fix the range of what is practical in the immediate future here. The idea that war should be abolished, for example, has occupied the attention of many brilliant minds, and it is not likely that any feasible scheme for its suppression by a *tour de force* has escaped notice. Yet, the recent Peace Conference notwithstanding, we must apparently wait for the slow development of civilisation to bring in the reign of international amity. Of course, every widespread endeavour to ensure general recognition of the value of peace is of importance. And a special attempt must be made to depreciate in the popular estimation the pride of the merely egoistic conqueror and of the duelling State.

We often hear the phrase "family of nations" used in discussion to indicate a restricted circle of civilised nations bound together by special ties. The analogy of the unity of family life, thus suggested, must be marked. Civilisation — what is commonly called "European" civilisation — is an associated fact.[1] International law obviously stands in close relation to this circle of mutual recognition,—though a limi-

[1] See Chapter VII.

tation of area raises theoretical questions connected with it which we need not stop to consider,—and to international law much credit for harmonising and steadying international relations must be given. But civilised States may be compared with the members of a growing family in another respect than their kinship, which must not be altogether forgotten—the variety of their external power. Bluntschli, for example, has made an interesting classification of States into World Powers, Great Powers, Intermediate and Peaceful Powers (Neutral States), and Petty States.[1] These differences are for many purposes subordinate; but they indicate an aspect of the case which frequently thrusts itself into prominence.

International law is somewhat heroic in aim. It is usually regarded as a system of rules by which modern civilised States profess to be bound in their relations to one another — rules which are at least closely analogous to those of law. In treating of them, the attempt is generally made to distinguish and classify the fundamental or initial rights of a State — such rights as those of "developing and continuing its existence," of safety, of property, of sovereignty—from the international standpoint. From this begin-

[1] *Theory of the State*, pp. 321, 322.

ning the whole area of the rules governing States in the relation of peace opens out. In contrast to the law of peace, again, one special branch of the subject deals with belligerent States in their relations to one another; while a further branch deals with the relations between belligerent and neutral States. Accordingly, international *status* (a preliminary topic), peace, belligerency, and neutrality have been called[1] the four great chapters of the law. The legal means of protecting and enforcing rights are said to be of two kinds — *via amicabili* and *via facti*.[2] It will be observed that, so long as international law recognises war as a legitimate method of giving effect to its verdicts, it ought logically to determine the causes for which a war can justly be undertaken. It has made some attempt to do this, but not very successfully. A wrong-doing nation, moreover, when the relation of war is entered upon, cannot practically be subjected to special disabilities. Accordingly, it is almost true that both parties to any war find themselves in the same legal position.[3] Morally, of course, there may be a great deal of difference between them.

[1] Holland, *Jurisprudence* (7th ed.), p. 346.

[2] Phillimore (*Commentaries*, i.) gives much information, introductory to the whole subject, which may interest the general reader.

[3] Hall, *International Law*, § 16.

It is often maintained that the rules of this law, being without the necessary sanctions, are not really laws at all. The problem thus raised must, as a technical question, be settled on its merits. But we must not allow the statement put forward to warp our judgments as to the value of the subject. Professor Clark has well expressed this point. "To no class of thinkers," he says, "does all mankind owe a deeper debt than to those who have written on international law. But who does not know the damning effect of a popular nickname or epigram? The glibly repeated definition that denies to international law the name of *law* at all, must of necessity cast a slur upon the principles which still go by that name. In lowering their nominal authority it ends by weakening their practical effect."[1] It may be objected, indeed, that surely moral principle appeals to the conscience—individual or national—with majesty at least equal to the majesty of law. But that is not always the case, as experience bears ample witness.

The relation of a State to its territory is so clear, that "territoriality" might almost be said to be in our times a "moral institution." It may be contrasted with race or nationality. It is connected, says

[1] *Practical Jurisprudence*, p. 187.

Savigny, dealing with it in a special relation, "with something outwardly cognisable, namely, the visible geographical frontiers."[1] It colours civilised life; and its influence may be traced in so many directions that we must not allow it to escape notice, especially in its connection with the independence and permanence of State-life.

As exemplifying the typically moral questions which may arise between the State on the one side, and a mass of foreigners in contrast to an organised State on the other, we may mention that of immigration. What attitude ought the State to assume towards the worst classes of would-be immigrants? There are many points to be considered in answering the question; but recent tendencies are clearly unfavourable to the immigrant. The self-regarding duties of the State have been accentuated in this respect. Prevention has outstripped cure. On all such problems the study of comparative legislation throws a very interesting light.[2]

As regards the legal relation of the State to its own

[1] Guthrie's *Savigny*, p. 59.

[2] "It is becoming increasingly clear that our colonies—and not only our colonies, but all civilised nations—are drawing closer the cordon against free alien immigration" (*Journ. Soc. Comp. Legislation*, N. S., i. p. 193).

subjects, and to the subjects of other States, the theory of the whole topic involves intricate questions of legal philosophy. It will be sufficient here to indicate the ordinary view, the "theory of the first look," with the comments that primarily suggest themselves. The State, as a political society, puts its members under various obligations, by its political, civil, and criminal legislation, which, on one doctrine, exclude other similar obligations within its territory. The former obligations are not of necessity extinguished when the members enter a foreign territory or a territory not subject to the jurisdiction of any Power. Moreover, the State, in virtue of its sovereignty, it is said, exercises jurisdiction within its territory not only with respect to its own members and their property, but with respect to foreign persons and their property. Practically, however, these principles require some explanation or qualification. The relation between the State and its members, let us assume, follows them when they leave its territory. Although the State cannot enforce its laws within a foreign territory, its members thus remain under obligation not to disregard them. But when a foreigner is within the State's territory his allegiance to his own State must be recognised. Reciprocity comes into play. A State within whose territory the

foreigner happens to be, then, has *only* the rights of subjecting him to such general or special political and police regulations as it may think fit; of making him share in public burdens which are not attached to the *status* of subject; of rendering him amenable to ordinary criminal jurisdiction; of placing contentious matters in which he may be interested under the cognisance of its courts, and (on a specially disputed principle) of placing to some extent his contracts, property-rights, and the like under the dominion of its law.

But, again, the question of recognising a foreign law may be more widely raised. Modern legislation, it is argued, in dealing with private relations between individuals, is more desirous of giving effect to these relations as they are or ought to be, than of affirming the exclusiveness of the right of sovereignty. In certain cases this object is best attained by allowing a foreign law to operate; and, as a consequence, Private International Law has come into existence. On this view the latter is a body of concessions gained from the sovereign rights of the State. It arises from a voluntary derogation which the State makes in allowing a foreign law to be applied. On another view, the concessions are really concessions to the

idea of systematic justice; that is to say, it is only in appearance that they are concessions at all. Further, amongst civilised States we find a municipal law which as a matter of fact is dominated by civilised ideas, and is so administered that foreigners are able to obtain civil and criminal justice with something like equality between themselves and those who are not foreigners. This fact is so conspicuous that it enters into the scheme of international law, which in formulating its regulations has in view that the States with which it deals will possess these attributes of civilisation. The last point has, of course, to be kept in view in considering the whole question.[1]

Of the relation of citizen to citizen within the State,[2] we hear much. The moralising of our lives in this direction is forced upon us by many considerations; amongst others, by the capacity for conjoined action which our political organisation affords. Through the State we can in many respects most effectively reach the general life. Notwithstanding the multiplicity of interests which civilisation has evolved, the general claims of good citizenship must

[1] Hall, *International Law*, § 10. Miller (*Law of Nature and Nations*, Lects. II. and III.) will be found suggestive.

[2] And not merely as members of the same city.

be recognised. Here, political, legal, economic, and quasi-economic problems suggest themselves in profusion; and if it be true, even approximately, that Economics is the science "which investigates man's actions in the ordinary business of life," its voice must clearly be welcomed. But a distinctly ethical emphasis must also be laid on the phrase "good citizenship." To the ideas of a general social life, and of the State in its ethical aspect, we shall return.

The relationship of Church to Church, and of civilised men in their religious life to one another, is complicated not merely by diversities of creed, but by the social or quasi-social *status* which the Churches claim for themselves. A Catholic Church, a National Church, and a Voluntary Church place themselves on bases *primâ facie* so different that it is difficult to typify the Church *status* at all. The difficulty reappears in the relation of Church and State, with some phase of which we are all familiar.[1] The idea that differences of religious belief need not prevent men from co-operating in much social work

[1] For an interesting view of a writer on international law as to the international *status* of foreign spiritual powers, especially of the Pope, see Phillimore, *Commentaries*, ii. pt. viii.

which, as it were, borders on religion, is, however, gaining strength.

The *province* we need only mention; as the study of it, and of unities like it, belongs primarily to the details of a theory of government. A sensible view of its functions is given by Professor Lioy. It forms a "union of Communes, which have become more or less homogeneous from their situation, and from an amalgamation of the local with the general interests."[1] The law, he thinks, rightly unites a number of conterminous communes which have topographical and economical homogeneity; in order that they may constitute an effective means for transmitting governmental action from the centre of the State to its periphery, and in order to increase the nation's powers of assimilation—as smaller unities could not accomplish the same object. All this is political in its bearing.

By the relation of neighbour to neighbour, on the other hand,—neighbourhood is for the most part too vague an idea for the politician,—we are directed to a sphere in which there is much opportunity for the execution of that influence which social ethics greatly desires. Two bordering neighbourhoods may affect

[1] *Philosophy of Law* (Eng. trans.), ii. p. 69.

each other much; but the influence shed abroad within a given neighbourhood must be equally considered. We may distinguish in theory cases in which the neighbourhood implies a certain broad similarity in tastes, capacities, fortunes, or work; and cases in which neighbourhood suggests mainly contrast—the whole inhabitants of a city, or sections of different races which fortune often leaves side by side, to live in a given area as best they may. From the point of view of contrast the individual's duty opens out into many interesting paths and vistas. His wealth, education, leisure, capacity for organisation, skill in craftsmanship, inward excellences, all present themselves as means to a moral end.

From the point of view of similarity, again, neighbourhood may be said to burst its local bonds and shade off into the idea of *class*. The ties of class relationship are in some respects very far-reaching. But classes of all kinds existing within a given State may conveniently be taken by themselves. It is hardly necessary for us to champion any particular grouping of classes. Ethics would be well advised to use the term broadly, with a general social reference. Occupation colours it conspicuously. The expediences of politics shadow it. Ranks, orders, estates, and so

forth may, of course, be compared with it.[1] And if we recognise the criminal, the inefficient, or the poverty-stricken as forming classes in our midst, we must be careful not to allow our language to indicate that they ought to exist as a permanent feature of social life. Bluntschli cautions the statesman against allowing a fixed line to divide "those who have" from "those who have not":[2] and the moralist may accept the warning. In any class system there is a good deal which is bad, and a good deal which at least might be made better; and we must not seize upon false bonds as true ones.

As regards Industrialism, and specially the classes which different trades mark out, racial differences seem to exercise a strong check on their international unity, which differences of *status*, method, and economic position help to enforce. When we confine our view to the area of one State, Trades-Unionism at once catches our attention. The boundaries of a trade

[1] On certain aspects of the subject, cf. *Industrial Democracy*, pt. i. chs. iii. and iv. On modern "classes" and "Estates," see Bluntschli's *Theory of the State*, bk. ii. chs. xvii. and xviii. He enumerates as modern classes—(1) the governing class; (2) the aristocratic class; (3) the middle class proper; (4) the people; the great mass of the working classes. *Ibid.* p. 183 *seq.* "Class" has here a peculiar political reference.

[2] Bluntschli, *ut supra*, p. 192.

class, indeed, seem not to be easily fixed; and attempts to organise such classes have thrown intricate questions regarding their constitution into prominence. It is difficult to trace what threads of common interest are sufficiently strong to be of permanent use. A trade is thus not nearly so simple a conception as some might be inclined to imagine. But the growth of trade organisation in its various branches, and its attempts to influence economic friction, are full of significance; whether or not its practical aims are open to the charge, so often brought against them, of being tinged with class selfishness.

Class morality, as popularly understood, consists in a certain so-called standard which is formed within a class,—sometimes a restricted class, or a class of doubtful legitimacy,—and sheds its influence abroad The cynic might say that the standard very frequently reveals itself by its defects. But this forms one side of the picture only. Many, if not most, virtues are developed and refined by a class standard. A special aspect of this standard is represented by standards of honour, so far as these can be attached to specific classes. The soldier's honour does not suggest directly that his "word is as good as his bond"; nor does the commercial man's suggest courage. And though the

moral demand for veracity in the soldier, and courage in the civilian, must be made, such standards of honour tend to place the virtues essential to the class in the foreground. But class morality and class honour must ultimately be taken to represent an adjustment of accent, not variation in essentials.

It is especially necessary, in considering in detail certain aspects of class problems, to keep our minds open to the effects which their history, more particularly their recent history, has had on them. The main facts which seem to strike everyone regarding what on one theory is the widest class, the "people," in the present day, are the lack of true organisation and the "impoverishment and isolation," as Paulsen calls it, of a large portion of them. And, in looking for the economic causes of these facts, we naturally turn to the past.

The city brings us back to locality. The typical city in modern times, if we are to believe the general complaint, presents the externals of neighbourhood without any adequate realisation of the neighbourly spirit. It may be, however, that its evils are more loudly proclaimed than its benefits. Its characteristics are very varied; and in it the pressure of living is so severe that good and bad are very closely intermingled.

Artificiality, in any true sense, can only be attributed to city life in a subordinate degree. The constant intercourse of man with man, the rallying-point given to commercial and intellectual enterprise, the constant opportunity for conjoined effort, afforded, are obvious. Not less obvious are the morally and physically unhealthy conditions amid which badly-housed and ill-paid inhabitants often have to live; and some aspects of its vice. The concentration of a large population in a small area has, of course, very striking dangers; and, if carried on recklessly, may be productive of almost unlimited evil. Internationally, great cities serve as the signalling-stations of civilisation.

We may perhaps quote one of the estimates adverse to city morality, which have been made. "The agglomeration of men," says Mr. Lecky, "in great cities—which are always the centres of progress and enlightenment—is one of the most important causes of material and intellectual advance; but great towns are the peculiar seed-plots of vice, and it is extremely questionable whether they produce any special and equivalent efflorescence of virtues, for even the social virtues are probably more cultivated in small populations, where men live in more intimate relations."[1] This is written

[1] Lecky, *History of European Morals* (2nd ed.), vol. i. p. 157.

in support of the view that in some respects the conditions of intellectual growth are not favourable to moral growth. Yet if we believe that, in the long-run, enlightenment and material progress tend to moral life, cities must receive due credit for what they admittedly accomplish. And how far cities positively encourage vice, in its narrower sense, it is very difficult to decide.

The corporation, including in that term allied "companies," introduces us to a type of legal institution which has been utilised for many purposes — for giving to municipalities a permanent form of government, for securing the administration of charitable trusts, for promoting in a permanent way the advancement of education, religion, and research. Trading institutions of this kind are, however, specially important in modern life. Naturally, the industrial spirit has bestowed great power upon them. The law which deals with them is often very complicated; and the principles which ought to regulate their recognition are keenly discussed.

Leaving law behind us, we find, again, a series of organisations—such as the school, and the club in all its varieties—which have their special functions. To

look at the *club*[1] for a moment: the rules of such an institution have often been compared with those of jurisprudence. The former, as we are accustomed to think of them, are no doubt comparatively unimportant in the sphere of their operation, and in the penalties attached to their violation. On the other hand, they are expressed with some definiteness, and can truly be violated. But, obviously, the form of organisation which the club represents may become so powerful that its boycott can separate the offender from all his ordinary ways of life—even if its penalties go no further than that. Such an organisation may be able to enforce its rules with sanctions practically as powerful as those of the laws of the State. It may then become a menace to State order. Thus, organisations of the club type clearly shade off into most powerful forms of combination.

Finally, we reach the family, In it, as is said to be the case in religion, we find morality specially "touched

[1] A district may be organised, it is urged (in accordance with the "charity of service"), in such a manner that the organisation shall include, at almost all its essential points, the social life of the people. Such a scheme of social organisation, covering a small area, but developed in many directions, is embodied in the Neighbourhood Guild, which, working by means of an organised series of clubs, seeks to help the labouring classes towards co-operation in living. See *Neighbourhood Guilds*, by Stanton Coit, Ph.D.

with emotion." For the family, as a source of moral life, implies both love and trust. When we seek to separate its modern type from primitive forms, which are mainly of historical interest, we find a unity dominated (except when it is entirely perverted) by affection, and not unreasonably regarded as the nursery of many virtues. Thus, common sense would give the family credit for creating a relatively permanent relation between the sexes, suitable to their ethical needs; a means of guarding, and, to a certain extent, educating the coming generation, through which the emotional side of their nature can be fittingly developed; a type of associated life which exercises a beneficent influence on general intercourse among men: and an almost necessary basis for "relationship" in the restricted sense of that term. The sexual facts on which the family is founded are unique; and the slow process of time, it may be reasonably maintained, has built up on them an ethical form, specially useful in checking caprice by natural affection, and modifying that application of the law of restraint, which youth and inexperience requires, by love, which is higher than the law.[1] Legally, the family is interwoven with our scheme of civilised relationships; and

[1] Cf. the author's *Theory of Contract*, p. 36.

though these might be altered to some extent, another scheme of a similar nature would be needed. The family has also been considered to be the most important agent in "human" as opposed to merely "natural" selection; in the struggle for a rightly conditioned life. As it is continually making and re-making itself, its influence is both subtle and wide. Its very fluidity is a source of ethical power. Improvements, then, may conceivably be suggested in details; but it is impossible to see how, without the greatest loss to civilisation, the family can be radically changed.[1] And in admitting this we commit ourselves, for example, to the maintenance of the monogamic form of marriage,[2] which now rests on the acknowledged capacity of both sexes to be ends in themselves.[3]

The point, in the modern family, lies in its harmony rather than its extent; and thus the narrowness of

[1] See, *e.g.*, "Is the Family declining?" by Professor Muirhead, in the *Intern. Journ. of Ethics*, vol. vii. No. 1, p. 33.

[2] Cf., for a scientific view, Westermarck's *History of Human Marriage*, esp. ch. xxii. Dr. Westermarck suggests that if progress continues on existing lines monogamy must be the rule of the future.

[3] The popular phrase *Christian marriage* seems to imply that the following points are more or less rigidly insisted on:—(1) the marriage must be a union between one man and one woman exclusively; (2) it must be a union for the joint lives of the parties to it; (3) it must be based on the consent of the parties to it. See *Journ. Soc. Comp. Legislation*, N. S., v. p. 359.

family life, which is a complaint often brought against it, is probably inevitable. Therefore, also, it is true that, if the family does not in given instances produce the ethical characteristics which are expected of it,—if it is made the occasion for cruelty, neglect, and the cultivation of evil feeling,—the harm which it may accomplish is very great. No adequate corrective can be found.[1]

With regard to the specific family relations, many problems present themselves. We have ventured to assume the rectitude of ordinary monogamy in civilised society. We must assume, too, the existence of a circle of "forbidden" degrees of relationship.[2]

[1] See Hood's bitterly satirical poem, "A Lay of Real Life." Homestead legislation arises out of the conviction of the importance of family life; but whether out of a right interpretation of that conviction may be disputed. It seems to be fairly suited to certain conditions of social organisation. It has, on the other hand, obvious dangers. The Homestead Acts, says a favourable critic of their aims, "recognise that nothing gives a man more courage to fight the battle of life than the certainty that, come what will, he will have a roof to shelter himself and his family, and the decencies of life around him; a home, too, which will not fail when he himself dies, but will endure for the benefit of his wife and children till they have reached an age when they can be self-supporting" (*Journ. Soc. Comp. Legislation*, N. S., iii. p. 447). But what of the sense of responsibility?

[2] We need not inquire what they ought to be. "On this subject there has been much diversity of opinion. There is scarcely any question that has enlisted more learned names on either side" (Fraser, *Husband and Wife* (2nd ed.), vol. i. pp. 108, 109).

The conception that marriage is essentially an alliance between families, in which the claims of individuals are entitled to only a subordinate place, can hardly be held to compete with the relatively individualistic view, among English-speaking races at least. The latter does not imply, however, that society, as such, is not concerned with individual marriages; but rather that it must influence their formation indirectly. The intimacy of the union is so close that it is very dangerous to sanction coercive interference with the choice of those who are of marriageable age and intelligence. At the same time, the social whole has its rights, and the form which marriage takes is, of course, of great importance to it.

The distinction between "marriages of inclination" and "marriages of reason" recalls, somewhat quaintly, the distinction between passion and reason which has played such a prominent part in the history of ethics. The marriage of inclination suffers from its being sometimes degraded into the gratification of mere appetite, or passing fancy, and thus made essentially unreasonable; the marriage of reason suffers from its being metamorphosed into the "marriage of convenience," where irrelevant considera-

tions tend to be made important. All this suggests the impossibility of laying down abstract rules to guide the individual as to whether he ought or ought not to marry—at least beyond stating a somewhat vague presumption that the common highway of nature has the chances in its favour.

Divorce, regarded ethically, is usually held to rest on the principle that where the spiritual unity of marriage has been radically destroyed, it is useless to preserve the form of union. And sexual infidelity seems to destroy the inner unity, if anything does. But the principle may be used in wider applications. Desertion may be considered another ground for divorce. Or the door may be pushed further open. Bishop Martensen, to give a specific instance, writes that Lutheran divines are fully justified in including among valid reasons for divorce, continued cruelty, personal ill-usage, and the plotting of the spouses against one another's lives. To these reasons, he continues, "others were subsequently added, *e.g.* the refusal of the *debitum conjugale.* And, to pass from these gross violations of matrimonial fidelity, there is also a mutual soul-poisoning, through which a complete inward breach at last takes place." "Incompatibility of temper," he admits, is a reason for divorce which has

been, and still is, applied in the most superficial manner. Still he urges that it *may* also involve the most serious consequences.[1]

In determining the moral bearing of the subject many considerations have to be kept in view. The well-being of the children of the persons involved is one of the most prominent. In some quarters there seems to be a growing feeling that marriage is *morally* indissoluble. This somewhat extreme view has the advantage of apparent simplicity; but its strictness tells against it. The direct evils of a lax system of divorce, however, are obvious. The multiplying of exceptional cases in which marriage can be dissolved reacts perniciously on the tie itself. And it may be questioned if any scheme for settling particular classes of cases on their merits, and apart from a generally known rule (a proposal which has been made in order to help society out of this difficulty), is a wise one. A judicious system of separation short of divorce may do much to obviate real hardship. An adequate conception of the *status* of marriage, and a knowledge of the general character of the people to be affected, are chiefly necessary in the consideration of practical changes. Questions of religious

[1] Martensen, *Christian Ethics* ("Social"), pp. 42, 43.

sanction (which we have not noticed) are somewhat intricate.[1]

The problem of the legal *status* of married women is one which is closely connected with that of the position of women generally. To turn to the latter for a moment, we find that extreme doctrines on the subject of the emancipation of women are popularly opposed on the ground that woman's chief sphere of legitimate influence is the home. To this the considerations are added:—That womanliness prevents the sex from stepping into the foreground of public life; and that it is a mistaken line of policy for the one sex to approximate its function to that of the other. These must be taken for what they are worth. We might perhaps distinguish, as leading phases of opinion—first, the idea that women are unfitted for public or industrial life (though an evil fate may compel them to engage in the latter[2]) by reason of a natural inferiority on their part; second, the idea that, though able to engage in all, or almost all, the pursuits in which men engage,

[1] See, *e.g.*, Martensen, *Christian Ethics*, *ut supra*, p. 38; Rickaby, *Moral Philosophy*, p. 274 *seq.* The question as to the right of the guilty party to marry again has not been raised in the text.

[2] In any case, the inroads made by industrial stress on the time and health of women of the poorer class, who are thus rendered unfit for the discharge of family functions, must be noted.

they possess an additional capacity for the duties of home which makes them the superiors of men, and marks out their true sphere of occupation; and third, the simple but widely accepted idea of a differentiation of functions based on the fact of sex. Any particular proposal regarding which it may be urged that women desire to exercise a function at present denied them, must clearly be considered also with reference to the special facts of the case.

Fatherhood expands the characters of worthy men; but the remarkable power which women so often possess of sinking their personalities in the well-being of their children, has made motherhood sacred. All generations have called it blessed.

In the relation of parent to child we may trace, broadly, a principle of tempered authority, which makes for one of the most significant of spiritual qualities—reverence; while in the relation of collaterals we find sympathy developed on a different basis. Parental authority is, in most cases, not simply an appeal to reason, but authority addressed to markedly undeveloped intelligence, and modified accordingly. Of course, as already said, in noticing the play of family affection amongst the differences of father, mother, child, brother, sister, we must not be tempted to

praise it at the expense of the wider moral life. It is rather educative than ultimate. And the claims of the future generation of citizens to receive a training that will fully fit them for the work they will afterwards be called on to perform, may be found, for example, to make inroads on family pretensions.

Hospitality is an almost necessary supplement to family life. By hospitality we may indeed entertain angels unawares. But it has a more useful function than that, in stimulating the graces of common life, and helping to set man in his proper attitude to man. The importance of it, for public ends, has declined in our civilisation. It has been said with much truth that the representative amongst us of old-world hospitality is charity.[1] But hospitality has by no means been swept out of ethical life.

It is not easy to speak generally of the influence of family on family, whether or not within the same neighbourhood or State. Yet, undoubtedly, the influence of family on neighbouring family is powerful, subtle, and never-ceasing; and the "homes" of a district, or country, where home life is beautiful, shed their influence far abroad.

Looking back, then, we see how each relationship

[1] Wundt, *Ethics*, i. § 234.

suggests its own problems and duties. It is as if, in the theatre of moral endeavour, the lights were thrown from every side. We are all "citizens of the great world-city." In the supplementary consideration which follows, it will be convenient to focus attention, first, on the individual, in the ordinary sense of the word; and second, on the wider ethical unities, which are very important. To the narrower ethical unities, on the other hand, we need not devote further space.[1]

[1] The *social composition*, it is right to point out here, has been contrasted with the *social constitution*. "The social composition is a combination and recombination of small groups into larger and yet larger groups in which each group is so far complete and self-sufficing that it could, if necessary, lead an independent life for a time, *e.g.* family, horde, tribe, folk; or family, village, township, commonwealth, nation. The social constitution is the organisation of society on the principle of specialisation or division of labour. It includes all associations or societies for carrying on definite activities in politics, industry, religion, and education" (Giddings, *Theory of Socialisation*, p. 33). We have considered both (in so far as we have touched on their varieties) as related to a general social life, on which we shall have more to say hereafter.

CHAPTER V

SOME ASPECTS OF INDIVIDUAL LIFE

IN this chapter we propose, keeping in close touch with common sense, to consider briefly certain of the higher aspects of individual life, in which it is recognised that the individual does not live for himself alone, though the metaphysics of society are not explicitly presented.

Saintliness has its ethical as well as its religious signification. It suggests the endeavour to seek morality on the inner side; to cultivate the inner virtues, such as purity of heart. We may thus be led to oppose to the popular verdict on our conduct the verdict of our own consciences—our judgments on ourselves. And beyond doubt, in certain cases, the strictest criticism that a man can undergo is self-criticism. In noticing some topics connected with the inner life, then, we may begin with the individual conscience.

Conscience, it must be premised, is an ambiguous term. It is therefore difficult to treat of it in brief.[1] What is wanted here, however, is not a theory of its action, but a fairly representative statement of the work which it is supposed to perform. And although a scholastic analysis of it may not at first sight appear to be a very promising one, that which divides conscience into its *antecedent*, *concomitant*, and *subsequent* phases[2] is worth noticing, both from its width and from its suggestiveness. As antecedent, conscience is said to be legislative — to possess a certain measure of self-legislative power. While urging and commanding us to act, it more characteristically shows itself by warning and inhibiting. The concomitant conscience may be taken to be a continuation of the former. It is a motive power to, and witness of, particular actions. As subsequent,

[1] Thus it would take us too far afield to inquire how the various forms of Intuitionism bear upon the popular idea of conscience; but the following passage from Professor Calderwood represents an extreme view: "That conscience intuitively recognises moral law, that it is supreme in its authority, and that it cannot be educated, are three propositions which hang or fall together. . . . But it is a condition of maintaining consistently these positions that we do not attribute to conscience our inferences and conclusions as to present duty" (*Moral Philosophy*, p. 71).

[2] "Conscientia antecedens, concomitans, subsequens." The view which follows is adapted from Dorner's *Christian Ethics*, § 26.

conscience is said to have three functions. The first is that of imputation. It subsumes under the law that which has to be judged. It fastens on the individual act; yet it is the person as a whole to whom the act is imputed. Guided by the act, imputation is drawn back to the character out of which the act arises. Then there are the two functions of judgment and requital. To take the case in which the thing done is wrong, the act of accusation on the part of conscience is followed by an act of condemnation or adverse judgment; and in this there is involved an element of retribution. Guilt becomes torment.

Such a view is, of course, strikingly legal in character. Some, indeed, will be inclined to compare it with the representations of the old "faculty psychology." Nevertheless it is, as we have indicated, wonderfully suggestive. The first phase mentioned reminds us of the power of moral insight; of the part which wisdom, "before the event," plays in virtuous action; while it also directs attention to a subject that must be separately treated—the use of moral laws.[1] The idea of moral insight, starting from inner principle or law, enlarges itself into that of the adequate play of purpose

[1] Chapter VI. *infra.*

in continued moral effort. This topic is receiving increasing attention. "The power to look vividly forward," it has been said, "is no less necessary than the power to look vividly backward."[1] Perhaps it is more necessary. Thus the metaphor of the "governing" conscience has some advantage over its rival, the metaphor of the "judging" conscience, as it suggests statesmanlike views of action, a large prudence of the highest kind.

Again, following out the punitive idea, we find that conscience is frequently described as "stinging," "wounding," "tormenting" us. Much of the emotional power attributable to conscience comes from this phase of its action. Sometimes it drives us into an abyss of "fears and horrors"; and it is hardly an exaggeration to say that, through remorse, it may lead us to an emotional "hell." But it may also, on a wider view, be connected with the emotion of rightness. Not only when it is violated does conscience seem to affect us emotionally. It also does so when it approves, and with its sense of approval there may be associated the religious sense of peace. Yet we must be on our guard against allowing ourselves to hand over conscience entirely to our emotional nature. Even if one entire

[1] Seth, *Ethical Principles* (3rd ed.), p. 63.

aspect of conscience is personal feeling, that does not constitute the whole truth; the deliverances of conscience indicate another, intellectual aspect. Dr. Rendall has finely depicted[1] the Emperor Marcus Aurelius—to some extent the slave of conscience—"taking counsel with himself 'how to choose the highest, and hold it fast.'" This task, as we have said, is necessary.

Once more, shading off into the latter aspect we have the social aspect of conscience. In a future chapter we shall discuss the social aspect of man.[2] Suffice it here to say that many shafts have been loosed at the "private conscience"; enough to maim it, at anyrate. The measure of the Chancellor's conscience has been compared, by Selden, in a well-known passage, to the measure of the Chancellor's foot. "Men never commit evil so fully and gaily," says Pascal in his *Thoughts*, "as when they do so for conscience' sake." In such sentences we recognise the desire to check an arbitrary standard. And, to borrow a phrase from a recent orthodox writer, it has been justly urged, "that no conscience can be formed except in a social matrix; and that every conscience carries the marks of

[1] *Marcus Aurelius*, Introduction, cxxii.
[2] Chapter VII. *infra*.

the mould in which it has been formed."[1] Conscience cannot cut itself loose from the moral ideal, with all the social considerations which this involves, though it represents the individual outlook characteristically.

Common sense applies various adjectives to a man's conscience, indicating roughly that its duties are well or ill fulfilled, or that it belongs to a well-known type. Perhaps the most familiar is the "hardened" conscience; as the fact that continued wrong-doing blunts the moral sense is notorious. An "enlightened" conscience, and a "healthy" conscience, hint at the ideas of moral wisdom and organic action. A "tender" conscience indicates one of the qualities that is most often associated with a good conscience—sensitiveness; but sensitiveness, like sympathy, means many things. An "irregular" conscience works by fits and starts; or, "compounds for sins it has a mind to by damning those it's not inclined to." A "doubtful" conscience is paralysed by its own state of uncertainty. Associated with this is the idea of Probabilism, to which we shall return in the next chapter.

Moral pathology is a name which has been well applied to the treatment of the darker phases of our

[1] Smyth, *Christian Ethics*, p. 299. The diversity of moral standards revealed by history is now generally admitted.

moral consciousness;[1] which are, in their turn, in close contact with the religious consciousness. We shall mention a few leading topics. Of general terms, Vice, as opposed to Virtue, may be taken to represent moral defects from the inner side. But the popular use of the word, in accordance with which the profligate, the drunkard, and the gambler are prominent types of the vicious personality, is more restricted and somewhat difficult to characterise. Sin, again, is a term which is probably too theological in its implications to be treated from the purely moral standpoint satisfactorily. Wrong-doing is a plain and convenient moral word. The ideas of a lapse from virtue or the attempt at virtue, a desertion of the narrow path, a waste of opportunity for well-doing, are prominent in this connection. The reader will probably remember Rossetti's sonnet on the "lost days of his life," where *loss* is so powerfully shown in the lurid light of retribution—

> "I do not see them here; but after death
> God knows I know the faces I shall see,
> Each one a murdered self, with low last breath,
> 'I am thyself,—what hast thou done to me?'
> 'And I—and I—thyself,' (lo! each one saith),
> 'And thou thyself to all eternity!'"

[1] A suggestive review of these is given in Mackenzie's *Ethics*, bk. iii. ch. vi.

So, also, the Soul, in Tennyson's poem of the "Palace of Art"—that "glorious devil, large in heart and brain, that did love beauty only"—when she shut out love, lay howling in outer darkness. First came deep dread and loathing of her solitude; then scorn of herself; then, laughter at her self-scorn.

Remorse, which we have previously mentioned, exhibits the return, in an ethical way, of the wrong-doer's act on himself. When Conscience is scorned, says Coleridge, she reappears as Remorse. Sometimes a paralysing despair is the result of the sense of degradation which remorse engenders. The drops of blood, "dabbling the guilty feet," seem to be irremovable. But remorse, in most cases, is the forerunner of reformation, or, at least, the attempt at reformation. Reaction is normal. A remorse which is final is a sort of moral suicide. Repentance, then, shows the brighter side of remorse. Shame, so far as it touches on our subject, is well described as a "feeling of profanation." Contrition, which is not entirely religious in its meaning, may be explained to be sorrow and dislike for wrong done, coupled with the resolve of not doing the wrong again. Finally, self-abandonment brings out the idea of that moral suicide at which we have already hinted. If one could deliberately wish to be the destroyer of

one's self, that would represent it fully. Byron's "Manfred" throws some light on states of mind which approximate to this. But the passionate grasping of, and holding to, some worthless aim, from despair, or petulance, or animal craving, is in a manner the abandonment of self.

Asceticism represents an interesting series of attempts after self-conquest and self-development. Yet, if it does not claim to free us from the duties of the good neighbour, it is often accused of tending in that direction. The desire to keep down or crush out the baser elements in our humanity, so as to leave free play for the higher, is robbed of its nobility if these are not to be manifested in the world of men. And if, on the contrary, they are to be so manifested, we must beware of attempts to eradicate appetites which are in themselves not evil, but human, or to fly from all possible temptation instead of playing our appointed part in the drama of life, or to find a virtue in the mere infliction of pain upon ourselves, or to identify all the subordinate aims of life with mere "distractions," which man in his folly pursues.

Unquestionably, the moral life of the individual ought to be both orderly and vigorous. Balance and

strength are necessary to its well-being. Ascetics[1] look both ways, with more or less success. It is very difficult, however, to lay down a method for achieving such results as those indicated. Virtue, for one thing, in the moralist's view, must be capable of standing a strain. And hence the warnings so often given us against an artificial appearance of tranquillity, and the criticisms so often directed against cloistered virtue and solitary training. Men of action are perhaps unduly eager to magnify their office at the expense of reflection; but the reverse also holds good, especially in certain so-called moral questions. Introspection, too, often becomes morbid. Action and reflection have been finely called the "gymnastic" and "music" of moral culture.[2] And those who press this idea most vigorously would be inclined to say that the gymnastic of asceticism was not gymnastic at all. At the same time, the broadly contemplative phases of life are always undervalued by a certain class of people who pride themselves on their activity. Just as a person with coarse feelings is often unable to comprehend a person with refined feelings, so a person whose activity

[1] One of the simplest definitions of Ascetics is that of Dorner—"The doctrine of the purification, preservation, and strengthening of the spiritual life" (*Christian Ethics*, p. 405).

[2] Mackenzie, *Ethics*, p. 366.

is of the rough-and-ready sort is often unable to understand that finer forms of activity are activities at all.

As regards what is often called "self-conquest," it has become almost a platitude to say that the end to be pursued is *not* the suppression of the appetites. Bodily desires are not, as bodily desires, evil. But, of course, this idea must not be confused with that of the toleration of bad habits. It may be dangerous to say of our animal life, "Shoot it dead"; but it is abundantly clear that in very many cases the only way to get rid of an evil habit is to shoot it dead. In this sense we may be forced to enter into the moral life maimed. In this sense we may ask, "Of what advantage are wings to an eagle when its foot is chained?" If we have laboriously raised an altar to our evil propensities, it may be necessary for us to cast it down; or even to blow it up.

Moreover, asceticism is justified in bringing into some prominence the influence of imagination, in its widest sense, on moral life. Imagination helps to create new ideals, and it strengthens desires. By playing with evil, in fancy, temptation is increased, and self-deception is encouraged. By imaginative aspiration the right is made nearer, clearer, more

imperative than before. Solitude, again, helps us to become masters of ourselves. It is necessary, too, to many forms of work. It ought to separate us, not from society, but from the crowd. The praise of it represents, in large measure, our revolt against the "eternal trifler"; but may, of course, be exaggerated.

The idea of habit directs our attention to many forms of minor ascetic exercise. In a well-known passage, Professor James says: "As a final practical maxim, relative to these habits of will, we may, then, offer something like this: *Keep the faculty of effort alive in you by a little gratuitous exercise every day.* That is, be systematically ascetic or heroic in little unnecessary points. . . . Asceticism of this sort is like the insurance which a man pays on his house and goods. The tax does him no good at the time, and possibly may never bring him a return. But if the fire *does* come, his having paid it will be his salvation from ruin."[1] With which it is interesting to compare a passage like this, written by a Roman Catholic with reference to the *rationale* of the small rules of "Religious" life: "They are the instrumental means of contradicting the little wills and ways of the natural man, teaching him a ready subjection, a prompt obedience, accustoming him to

[1] *Principles of Psychology*, i. p. 126.

yield his mind and heart easily and sweetly, to remain quiet and passive in God's hands, until the Divine Will moves him to action. All this is in small things. But each act goes to the formation of the corresponding habit, in preparation for greater things in the future."[1] Both writers agree in teaching us not to despise "little wills and ways"; and doubtless there is wisdom in the principle of renouncing these to a reasonable extent. We must be somewhat on our guard, however, against *playing* at being heroic or good.

We may seem to be on surer ground than asceticism affords us when we are tempted to commend the desire for harmony of life. But both sides of this question must be considered. It may be truly urged that, while it is not necessary that the chord of being in everyone should be the same, we necessarily desire that in each it should be harmonious. Such a notion might be compared with the idea that morality depended upon taste. But that comparison only serves to bring out a dangerous element in the former and wider conception — the tendency to surrender ourselves to some form of feeling. Emotionally, this sense of harmony (in itself desirable) depends largely

[1] R. Buckler, *The Perfection of Man by Charity* (2nd ed.), p. 113.

on the interpretation which we are enabled to place on our surroundings. When we find a general discrepancy between our efforts and these surroundings, feelings of the triviality of life's interests and of our spiritual isolation tend to render all we do discordant to ourselves. But apparent harmony must not be obtained at the expense of rational principle or earnest effort. Life must be both reasonable and earnest. No one is so foolish as to expect that progress will always be unimpeded in its accomplishments. Perfect harmony of life for the individual cannot be expected, and a too æsthetic appreciation of that harmony is a doubtful benefit. We must not become mere Lotos-eaters. In short, however good it may be in its ideal aspect, such harmony must give place to the idea of a "soul well-knit" when moral conflict has to be faced. And even that conception is somewhat barren.

In contrast to the "inner life," an extremely renunciative view of virtue places the "World." And so we shall turn to the efforts which the struggle in the world necessitates for everyday life. Here, it is sometimes said, man becomes "something definite": and as many of his moral difficulties seem to arise from his desires for wealth, reputation, and power, we may consider these.

Such desires, taking them in a wide sense, are for objects which an individual must in some measure obtain, in the existing social system, if life is to be worth living. Without material goods we cannot exist physically; if no sort of recognition from our fellow-men is vouchsafed to us, we would need to be either gods or beasts in order to bear our lot unconcernedly; if we have no power, our position is not far removed from slavery. And when in the general search, which a realisation of these facts justifies for the mass, we are led from point to point, almost imperceptibly, it is hardly wonderful that we should find considerable difficulty in fitting our exertions wisely—in due subordination to larger purposes—into our scheme of life. Moreover, by the associations which cluster round their names, such objects as wealth and power seem almost to present themselves as good things which must be held in antagonism, as it were, to society. Therefore it is somewhat difficult to divest them of their selfish aspect, and to make them, in idea, essentially means to the performance of our moral functions. Common sense perhaps hardly realises the full bearing of this; but, at anyrate, it recognises that these objects are far from all we want, and may be perverted in their uses; and, second, that a high ideal of life can be carried

out with a much smaller amount of the satisfaction which they bestow on the private self than the average man in his most hurried estimates allows.

When Emerson took Napoleon to represent the Man of the World, he illustrated strikingly the tendency which he thought he saw in the democratic half of the world around him. "That tendency," he explains, "is material, pointing at a sensual success, and employing the richest and most various means to that end; conversant with mechanical powers, highly intellectual, widely and accurately learned and skilful, but subordinating all intellectual and spiritual forces into means to a material success." [1] We may, it is true, live on this plane almost entirely—to our loss. We may also live just slightly beyond it. We then probably become conscious of a painful contradiction in ourselves. And the balance, we find, must permanently tip one way or the other. Our moral plane must go up or down.

On the other hand, we must keep steadily in view the relation of effort to the obtaining of the material conditions of life. Anything which must be obtained by effort may pervertedly be regarded as a barrier between those who are and those who are not disposed

[1] *Representative Men:* Napoleon.

to work for it. And it is by no means necessary to justify real oppression in order to condemn, in its extreme phases, this "barrier" theory. We may admit that accumulated riches give dangerous powers. But the question of property has another side, as the exponent of thrift bears witness. Consider, again, what Count Tolstoi says of cleanliness. "Cleanliness!" he exclaims, "Who does not know human beings, especially women, who make a great virtue of cleanliness? . . . There are no limits to this cleanliness, which is of no other use to anyone except to separate us from others, and to make our intercourse with them impossible, while cleanliness is obtained through the labour of others."[1] Here, of course, one truth is brought forward—that we can easily abuse our powers of making others perform menial services for us. But Tolstoi is, at anyrate, not far from asserting that cleanliness must be renounced by us because many people are dirty; and that is quite a perversion of sympathetic sentiment. Cleanliness, like culture, may degenerate into luxurious idiosyncrasy. But it is not virtuous, for all that. The fact that we take forethought to place ourselves in a state of cleanliness or respectability must not be set down to

[1] *What to do*, pp. 59, 60.

an inveterate tendency on our part to isolate ourselves from our fellows. And a similar argument holds good to some extent with regard to the money-making propensity. It reacts against the psychological tendency to undervalue the economic claims of the future.

Some main aspects of the desire for money may be distinguished. There is the desire for its economic power for economic purposes. There is the desire for its general power, apart from that, though doubtless connected with it. The rich man is regarded as marked out in consequence of the life he can lead, the favours he can bestow, and so on. He sways others and commands them. There is the tendency to imitation, to pursue what others pursue; increased by the fact that money-saving is capable of indefinite adaptation to the circumstances of the savers. One miser manages to save a million sterling, another a ten-pound note. And there is probably a natural tendency towards hoarding, deeper than the tendency of any particular age.[1] The last two points bring before us the fact that the passion for "collecting things" is very strikingly manifested in human life.

[1] Cf. Stout, *Psychology*, ii. p. 91; James, *Principles of Psychology*, ii. p. 422 *seq.*

As we all know, the heaping up of the most useless things may bring extravagant joy to some men. Probably the exercise of the intelligence along accustomed lines often gives zest to the undertaking.

Glory is interestingly gauged by Pascal. The search after it, he says, marks both man's vileness and his excellence. The latter point is revealed by the fact that man rates human reason so highly that whatever privileges he may have on earth he is not content unless he stands well in the judgment of men. So far as the approbation sought does represent reason, that, of course, is true. But it is only a high type of glory that thus searches for reason. To seek the bubble reputation even in the cannon's mouth is an easier task; yet one which is not to be despised. Fame, again, has a very wide gamut. All kinds of social recognition connect themselves with it; and reason, as we see, cannot ignore it.

Professor James has made some instructive remarks (amid much that is doubtful) about the "potential social self." When motives of honour and conscience move us to brave social condemnation, he tells us, we are inwardly strengthened and steeled against the loss of our actual social selves

as reflected by our "sets," by the thought of better possible social judges than those whose verdict now goes against us. The ideal social self which we thus seek may be very remote. Yet still, the impulse is in pursuit of a self which is at least worthy of the highest possible judging companion. Progress in the social self involves the substitution of higher tribunals for lower; and our ideal tribunal is the highest. The humblest outcast can feel himself to be real and valid through this highest recognition. Without such an inner refuge when the outer social self failed, the world, for most of us, he thinks, would be an abyss of horror.[1] All this brings us back to conscience. It has much in common with the point of view formerly considered. We continually feel that we come up for judgment. Not glory but acquittal—or perhaps companionship or communion—is what we mainly desire in this frame of mind.

The desire for *power* seems at first sight to be particularly dangerous. So much depends on the kind of power desired or wielded, however, that the employment of the term might have been altogether abandoned, if usage had not to some extent necessitated its continuance. When the idea of power visits a con-

[1] *Principles of Psychology*, i. pp. 315, 316.

ceited man, and leads him, not to further effort to accomplish something of objective value, but to contrast his particular individuality with the individuality of others, and to lust more and more after the vanity which arises from dominating them, it might almost be called the worst of evils. It is easy, unfortunately, to find instances in which men crush their neighbours, not so much because these are obstacles in the way, as from desire to feed their vanity upon the fallen. But the picture must not be painted too black, or it loses its effect. The forces of tyranny and meanness have their limits. One "despot with a disturbed brain" may rule, in the State or in a smaller circle, for a time; but despotism of this kind works steadily towards its end. We must rather conclude that a desire for power in order to accomplish our tasks and purposes in life—to play our part, it may be, in the subjugation of nature, or to maintain a legitimate position in society—is the permanent desire, and is not bound up with the idea of oppressing others or of malevolently comparing ourselves with them. So that here, as in other cases, it is the direction of the desire that makes it moral or immoral.

We pass now from these desires. The general antithesis before mentioned, as the reader will probably

have surmised, is of limited utility.[1] But our remarks will have helped to explain it. It will be well at this point to add a few words on the antithetical ideas of work and play.

The duty of labour is often insisted on; and it presents infinite variations. In cases where a choice of vocation offers itself, the necessity for a wise choice is obvious. We are often reminded, indeed, of the limitations which social forms set to the deliberate adoption of a vocation by the individual; and especially of how largely, in the lower grades of labour, necessity governs choice. When we do reach the sphere where personal inclination and capacity are free to operate, however, we reach very important facts. Love for one's work must not be undervalued merely because it may be almost a mockery to urge its desirability on some; and clearly a determined effort must be made to find a groove in which our capacities are fully brought into play. Yet the further necessity of wisely maintaining and developing the relations between our vocations and the rest of our lives, so that life may

[1] Of course, the World is often used in a distinctively bad sense. The Explanatory Catechism (Roman Catholic) says: "*Q.* What do you mean by the world?—*A.* By the world I mean the false maxims of the world, and the society of those who love the vanities, riches, and pleasures of this world better than God" (p. 64).

become in a sense a complex vocation, is quite a urgent.

We may say, if we choose, that the highest form c activity — which is applicable to commonplace an difficult tasks alike—is the conscientious discharge c duty. The moral equality of mankind—apart fro accidentals—thus comes into prominence. But is nevertheless true that our different levels of wor will in future retain their significance: and that th differences in value commonly set upon them will i their essence remain? Will such inequality contin to divide, where the ideas of duty and free service a straining after union? To judge by the more co servative instincts of mankind, it seems as if this mu be so. Whether the necessity for the stimulus success (with the needs of one's position in the bac ground) is sufficient to explain the fact, or wheth *intelligence* is also asserting a far-reaching claim wi which morality—regarded as effort—has ultimately settle, the recognition of distinctions approximating these levels seems to be inevitable in any qua political ideal to which we may look forward.

But, further, it is undoubtedly a duty to amu oneself. And in the case of many persons, howev worthy in themselves their recreations may be, pr

dence suggests that a sufficiently clear line should be drawn between these and daily tasks. Moreover, we willingly admit that recreation may be relatively inactive or trivial, quite legitimately. Complete freedom from strain, rest, gaiety, are only despised by those who are over-anxious to bait their homilies with their brother worms. Play must be play. Yet we must not carry this idea so far as to contradict our view of the dominating earnestness and purpose of life. And we must not forget that not only is training necessary to a worthy use of the means of enjoyment around us, but a man's training in enjoyment must be more or less arduous if it is to be really satisfactory. Hobbies are instruments by which we may healthily and organically supplement labour. True, they are often lonely. Professor Seth finely says: "There is a pathos in some men's 'hobbies'; they indicate that the soul is not dead but sleeping, and needs but the touch of an understanding sympathy to rouse it from its sleep."[1] As a rule, however, hobbies have cheery faces.

We may contrast the spirit of labour with that of gambling. The gambling spirit seems for the most part to reveal itself in the deliberate attempt to

[1] *Ethical Principles*, p. 252.

minimise the determining power of skill and calculating foresight, and to rely upon chance. The results of the gambling transaction are the outcome of causes which it is impossible to anticipate. And emphasis is voluntarily laid on the element of hazard. The attitude of will involved is one which welcomes the unforeseen simply because it is unforeseen. In ordinary life, we attempt, so far as possible, to eliminate the effects of chance, convinced that in the long-run these effects militate against our welfare. In gambling, we reverse this process. We find our pleasure in changes of fortune which are, for practical purposes, accidental. When, therefore, we are called upon to decide whether certain transactions or games fall under the head of gambling, we must in doubtful cases consider the spirit which they tend to develop. The delight in hazard is the important point.

There is little question that common sense condemns the gambling principle. That principle sets at naught fundamental convictions. It throws the distribution of rewards into the hands of fate. It delights in favours fortuitously bestowed. And it thus tends to weaken moral fibre, and to induce an excitement which is antagonistic to genuine work.

The question of most difficulty connected with it,

however, is whether we may not be tempted by these considerations to adopt too strict an attitude. There is, as we have seen, an ease, or carelessness, allowable in play as opposed to work, which frequently constitutes its chief charm. The bow must be occasionally unbent. And a sportive surrender to chance, for purposes of recreation, may be regarded as a permissible relaxation. All that can be said generally is, that the surrender must be associated with relaxation and not with vital business. It must remain a temporary frivolity, and not be converted into a main end of life. Even then the principle invoked is rather a dangerous one.

CHAPTER VI

MORAL RULES AND RESOLUTIONS

CONSCIENCE, as we saw, directs attention to the right employment of "moral law." The phrase indeed may vary in signification. But it is the idea of moral law as a system of rules of conduct that is chiefly important. We now require to consider it. Our subject is a scheme of inward legislation, resulting in fixed rules of right conduct.

The antithesis between the *rule* and the *principle* is constantly being drawn in modern ethics—generally to the detriment of the former. The rule is felt to be in some way external. What the Bible calls "our heart," we are told in ordinary exhortations, is to be set upon the good: that, and not slavery to the rule, is the essential point. Moreover, the rule, it may be urged, is too general ever to stand for the concrete thing that ought to be done. There is no need to burrow inward to the depths of our heart to find how the particular

circumstances of the case seem always to be too complex for the stereotyped rule. In idealistic phrase, the universal must be realised *through* the particular. It must be capable of blending. The universal element in morality is not satisfactorily represented as a series of general propositions; some such conception as that of an organic ideal must be introduced.

This is the position described in general terms, which is adopted by many; and it is, in ultimate theory (and keeping in view, for example, the necessity for a recognised system of justice), that which we shall adopt. "The Golden Rule," it has been said—to give one rendering—" has no more meaning, apart from the real constitution of a social order, than the law of gravitation has, apart from the real constitution of matter and force. In a word, a man has not to do Justice and Love and Truth; he has to do justly and truly and lovingly. And this means that he has to respond to the actual relations in which he finds himself. To do truly is to regard the whole situation as far as one sees it, and to see it as far as one can; to do justly is to give a fit and impartial regard to each member of this situation according to its place in the system; to do lovingly is to make the whole situation one's own, not dividing into parts of which one is a

warm *meum* and the other a cold *tuum*. The correctness of the exact definitions given is a matter, of course, of no importance. The point is that all definitions must be given in the same terms—terms, that is, not of mere 'oughts,' but of concrete ways of acting in reference to a situation, not unearthly, but of facts."[1] The emphasis thus laid on the facts is very necessary. When, however, definite rules are regarded in this light, very different grades of dignity may be accorded to them by thinkers of different proclivities; and, as will become more and more evident, we are far from adopting an extreme view of the inadequacy of their pretensions. Let us, however, look more closely at the fundamental problem.

Rules clearly breed difficulties. The apparently simple rule of truth-speaking has already shown its difficulties; the more complex rules of justice—if we divide justice into different kinds of duty—present their difficulties; the question how far benevolence is strictly "binding" at all, suggests the beginning of its difficulties. The main rules themselves interfere with each other. And behind all these facts is the fact of moral development in its historical aspect. Accordingly, the attempt may be made to clear away such difficulties by a process

[1] Professor Dewey, *Internat. Journal of Ethics*, vol. i. No. 2, p. 200.

of analysis and refinement. We may endeavour to thread our way amongst the rules by determining cases of doubt. And probably the simplest manner of introducing the subject of casuistical methods, as thus suggested, will be to turn for a moment to the great historic instance of revolt against casuistry.

It is impossible, indeed, to enter here into controversies regarding the state of the times when Pascal lived, or the manner in which he treated his opponents.[1] But we may mark some of the leading characteristics which gave power to the *Provincial Letters* as an attack on a system. Perhaps what we first notice is Pascal's extraordinary skill in throwing ridicule on all forms of intellectual pedantry. He used this skill, indeed, against other foes than the casuist. But, throughout his treatment of moral questions, at least in large portions of the book, dulness never leaves the worthy monk who expounds, and never fails to

[1] Dr. Sidgwick summarises succinctly the ordinary Protestant view of historical casuistry, in his *History of Ethics* (4th ed.), ch. iii. Of the relaxation of moral rules by casuistry he says: "It does not, however, appear that this danger assumed formidable proportions until after the Reformation, when, in the struggle made by the Catholic Church to recover its hold on the world, the principle of obedience to authority was forced into keen, balanced, and prolonged conflict with the principle of reliance on private judgment" (p. 153).

amuse the reader. The verdict is, of course, favourable to Pascal's point. Whether pedantry is intrinsically associated with casuistry is another question altogether. Secondly, we must notice Pascal's ridicule and denunciation of what he considered to be the accommodation of morality to the frailties of the times. Quibbling, for example, the "double probability of *pro* and *con*,"[1] excited his scorn. But his attitude is more pronounced when a definite act, which seems to amount to gross immorality, is freed from the bondage of the rule under which we generally believe it to be condemned. Then his indignation knows no bounds. The limiting of the word "assassins" to those who have received money in order to murder, so that those who kill without taking any reward, but merely to oblige their friends, do not fall under that category, is a case in point.[2] Again, the attempt to make moral matters the subjects of exact measurement afforded him in some cases good ground for ridicule. This measuring, like the drawing of fine distinctions which may seem to amount to quibbling, has always been a favourite task with some; and has always, rightly or wrongly, been scoffed at by others. It proceeds from the endeavour to lay down a hypothetical series of precedents which will serve

[1] See Letter 6. [2] *Ibid.*

as marks and guides. It forgets, as we think, the extreme degree in which circumstances alter cases. And when twisted to meet irrelevant examples its faults are glaring. Thus it is impossible to argue about the value in respect of which it is permissible to kill a thief who runs away. Once more, Pascal's satire finds its supreme expression in his direct attacks on immoral precepts as such. The catalogue which he brings forward is a very black one, it must be acknowledged. And in the background is Probabilism, *as he represents it*, created for multiplying iniquities, and worse than any isolated precept of wickedness, because it enables men to adopt such precepts blamelessly. Against this his invective is continually directed. Finally — for it will be sufficient merely to mention the accusation of pruriency—we must notice an undercurrent of protest on Pascal's part against what, for want of a better term, we may call rationalism. The morality of some of the worthy Fathers, the Jansenist tells us, is entirely pagan, and nature is quite competent to its observance. When the Jansenists maintain the necessity of efficacious grace, he explains in contrast, they assign to it another sort of virtue for its object.[1] The law and reason, in short, are sufficient

[1] Letter 5.

for natural virtue; but a higher virtue altogether (with a marked tinge of asceticism) ought, in Pascal's opinion, to be followed. This antithesis must, subordinately, be kept in view in discussing Pascal's work.

Now, interest in the methods of formal casuistry has for the most part declined, amongst Protestants at anyrate. But whenever the endeavour is made, in view of a moral code, to determine what are the exceptions, or apparent exceptions, to the rules involved in that code, the opposition to the whole attempt runs mainly on the lines just indicated. Pedantry, subterfuge, "hair-splitting," inappropriate niceties of calculation, looseness, are the charges preferred against it. The primary objection, we think, must be held to lie in the spurious pretence of fixity found in a code: a fixity combined, frequently, with egoistic assumptions, which have had to give way before the larger study of moral facts. And the ideas of moral development and social organisation have necessarily exercised their influence in making both of these objections clear.[1]

[1] It may be useful at this stage, by way of clearing our conception of a moral rule, to indicate the main points which might present themselves in connection with one common rule when looked at reflectively by an intelligent man. We shall take the rule against stealing. (1) The commandment—"Thou shalt not steal." (2) Popular

But we may look at the subject more philosophically thus. When a casuist decides a case and puts it before us, he may ask us whether as an intellectual problem we consider his statement to be true or false. If we admit that he is right, his next assertion will obviously be that this statement, which is, on our admission, intellectually accurate, must remain intellectually accurate—"what is reasonable, is reasonable." The action before us, then, is lawful or unlawful as the

explanations of it, *e.g.* "It forbids robbery, theft, and every kind of dishonesty" (A Parish Catechism). (3) Various statements of its development into more positive form, *e.g.* "Thou shalt labour" (Gore). (4) Relation of theft to covetousness, etc. Right purposes in furthering life. (5) Casuistical doctrine of Extreme Need:—All property that is immediately serviceable for saving life is, *quoad* one use, a *res nullius*—*i.e.* A non-owner, in extreme need, may use it to an extent that will prevent him from immediately perishing. (6) The place of theft in modern criminal law, *e.g.* under "Offences against possession and ownership." Legal definitions of theft, *e.g.* "Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft" (Anglo-Indian Penal Code). Cognate offences. (7) Mental disease and theft. Kleptomania as an "uncontrollable impulse to appropriate." (8) The sociological and philosophical aspects of theft. "Property is theft." The idea of property. Theft and excessive competition, etc. (9) More particularly, the evolution of modern theft viewed in relation to such illustrative facts as the history of cattle-stealing and of piracy. (10) The question more generally raised in the text as to the possibility of adequately defining theft "in the *begriff*" for purposes of ethical theory.

case may be. We cannot, he will tell us, alter the conclusion reached. Yet, his conclusion, it must be remembered, is to be used as a precedent; the whole point in making it is to apply it in similar cases. And, keeping that in view, the main argument which may be advanced against such a method with its array of precedents, cuts into the very centre of what "reasonable" means. Logic, be it observed, in its formal aspect, exhibits the same phenomenon as casuistry. Can we obtain models of reasoning? "Unless you artificially limit the facts, then models of reasoning cannot be procured, since you would need in the end an infinitude of schemes to parallel the infinitude of possible relations. And a code of morality is no less impossible. To anticipate the conclusion in each special case you would have to anticipate all possible cases; for the particular condition which makes *this* conduct right here and wrong elsewhere will fall outside the abstractions of the code." So Mr. Bradley puts it.[1] Others have expressed the same conviction in different language.[2]

[1] *Logic*, p. 218.

[2] On the other hand, Professor James says that "pure rationalism, complete immunity from prejudice, consists in refusing to see that the case before one is absolutely unique" (*Principles of Psychology*, ii. 674, note).

It is important to notice how the casuist relies upon the permanence of what is reasonable, despite varying circumstances; and how the principle which opposes him most thoroughly considers a general rule, or even an isolated precedent, as an abstraction; something less than the actual.

Theoretical casuistry, in fact, may be attacked crudely, just as the idea of a "law of nature" may be attacked crudely, through the want of appreciation of the merits of its outlook. No doubt, extreme variations in human development present difficulties to both; but the idea of identity has always to face the fact of change. It is the difficulty of specifying in a precedent, with sufficient accuracy for theory, what makes this action right here, that forms the objection which casuistry, as a doctrine of absolute rules, has really to meet.

The attempt to discard utterly the morality of rule, is, on the other hand, far too radical a measure for beings who still feel themselves to be "children of a larger growth"; who live amid our social institutions; and who are forced to pass moral judgments on others whose motives they can never fully understand. There is, then, a truth contained in the idea of endeavouring to do *more* than the law enjoins. Nor,

of course, would we deny though criticising the rule, that there is a principle or ideal—in one aspect, of unified conduct—which gives meaning to the moral consciousness itself.

If this abandonment of the theoretical authority of rule seems to be too daring to the reader, he may perhaps find more satisfaction in a statement like the following: "A rational being cannot, as such, be content to live a life of mere obedience to rule, even to the rule of conscience. . . . The conflicts, or at least the difficulties, which arise in the application of the several moral laws or principles to the details of practice, lead to the attempt to codify these laws, and such codification implies once more a unifying principle—the discovery of the common 'spirit of the laws.' For their absoluteness pertains to the spirit and not to the letter. They are the several paths towards some absolute good."[1] Here the authority of the code is scarcely attacked; though the "suzerainty" of the spirit is recognised. But if war breaks out, what then? Can the code maintain its theoretical position? We have three typical

[1] Seth, *Ethical Principles*, pp. 79, 80. This passage, divorced from its context, hardly represents Professor Seth's general position adequately, and is used as an illustration only.

standpoints. The casuist maintains that there is a *nucleus* of *law*, with an *envelope* of *counsel*. In the next stage of thought the terms may be modified; but it is doubtful how radical the modification is. In the last, it would not be much (though it would be a slight) exaggeration to say that the law and the counsel had changed places—the force of the law being given to the counsel, and *vice versâ*. Some repression, of course, is necessary to social order; and the *nuance* in "counsel" is not very happy in its idealistic connection.[1]

[1] Perhaps we may again clear the ground somewhat by making a tentative analysis. Let us draw a dividing line between rules for which external legislation is, and those for which external legislation is not, possible. Let us call the former Branch I. of morality; and let us include under the latter, juridical rules, in so far as they can be referred to a determinate authority (on the lines which the Analytic School of Jurists suggest), laws of fashion, and rules of morality which can be enforced or are popularly called external. Let us call this Branch II. of morality. The general movement of moral theory known as a movement to substitute an inner for an outer view would, relatively, depreciate Branch II.; giving as its ultimate meaning, Branch I. But, again, the inward, it is maintained, must be connected with the outward; the issuing of the inward dictate in outward conduct must not be forgotten. Hence arises the question whether the inward thus modified and supplemented can be made the subject of rules. Must not the universal element be otherwise construed? Supplementing this problem is that of the relation of the social to the individual side of any ideal which can claim moral qualities. And possibly a criticism of the expression "outward" may be the final result.

The questions which can be asked in connection with a moral code are of great variety. The definition and limitation of the virtues is, of course, important. Natural rights may afford a wide field for discussion. Can we whittle away any given natural right, for example, provided we preserve its form? Or, if not, where must we stop? When does a free man become a slave? Again, if we are classifying moral acts, we may take two such cases as these: first, where a man positively aids and abets in another man's being drowned; second, where he negatively does not exhibit all that forethought which might be expected of him in saving another from drowning. What curve does the act take as it ranges from the first point to the second; from murder to conduct which is hardly immoral at all? Once more, the conflict which may arise between our duties to various moral institutions may call for investigation. And the defining of limits in the case of some duties—those of gratitude, for instance—may call out much ingenuity. All through, the idea of a code stands out in opposition to the idea of an "end." When the code loses its exalted position in our estimation the problems suggested become less important, and probably alter their perspective.

We might use the term "moral maxim" in contrast to moral rule to indicate precepts which are helps to right action. These have, no doubt, a theoretical interest, which must be recognised; but it is their value as tools of practical analysis, as guides of habitual morality not altogether blindly accepted by it, as stimuli of moral action, that we have in view in calling them maxims. Such maxims, no longer considered as absolute commandments, are very varied in range. Sometimes they strike, like lines of light, into the very centre of morality. "To be and not to seem is the end of life." Sometimes as proverbs and epigrams they rather suggest brevity and lightness; yet even then, at their best, they seem to meet our minds half way, and to illuminate what was dark before. Sometimes they appeal strongly to our social emotions; they are "public and tunable." Sometimes they are lit up with the cold light of reason. Sometimes they are, characteristically, mnemonic aids.

And with them must be associated other pages from the record of ethics—records of aspiration, records of the social ideals of the past, so full of lessons for the present, records of examples of deeds well done and lives well lived. Example may be specially mentioned. It is not confined to the written page, of course; its living power

"to shame the bad and make good better" is enormous. It may deter or persuade. In persuading, it may either lead us to further effort, or it may show us a path of duty before unnoticed. Yet all analyses of example seem to leave something untouched; for here we stand face to face with character in its organic aspect.

The power of what is associated in the common mind with many celebrated maxims deprives them to a large extent of rigidity. Such association often serves to blunt sharp edges, to rob an idea of its angularity. This must in various ways be kept in view. It may be difficult—apart from some special doctrine of Revelation — to estimate the comparative power of the conceptions expressed in maxims. On the intellectual side, however, their capacity is revealed by their comprehensiveness and combining quality. When a principle shows that it can work itself harmoniously through a large portion of our life, it at once appeals to us. And in order to fulfil this condition adequately it must be capable of different applications, and at the same time have logical balance. It must, also, obviously be in some sort of harmony with the general trend of our minds. It must form part of a larger system within us. On the other hand, there are many extraneous circumstances which

give a principle, as expressed, influence over us, partly desirable and often undesirable. Its form of expression; its popularity as the cry of the crowd; the frequent consideration of it along with others, or in our own minds, may help. Our emotional temperament may lead us to misuse it. Passion is a great power. Yet the influence of particular passions as permanent factors in regulating human life is often exaggerated.

But now, returning to casuistry, let us throw the emphasis, not on the rule, but on the struggle which the individual makes in deliberating on the course of conduct to be pursued. He has, as we often say, to "face" the difficulty, or the opportunity, or the temptation. Here we might expect to find the most useful principle of the "art of conduct" — if there were an "art of conduct." And if we consider ourselves to be "under the law" in the sense we have been considering, it may seem to us to be extremely important to mark out the sphere of *safe* courses of action, amongst which we may choose. Such an idea is the germ of Probabilism.

That doctrine, according to a recent and guarded statement, is thus explained. Conscience is sometimes perplexed, and cannot give an unambiguous answer as

to the morality of an act contemplated. In such circumstances Probabilism helps. "The probabilist runs no risk, enters upon no uncertainty, and yet he by no means always follows what is technically termed the *safe* course, that is, the course which supposes the obligation."[1] He works by the aid of a "reflex" principle. "Probabilism steps in, only where a case is practically insoluble to an agent upon direct principles. The probabilist thereupon leaves the direct speculative doubt unsolved. He relinquishes the attempt of determining what a man should do in the case in question, who had a thorough insight into the lie of the law. He leaves that aside, and considers what is his duty, or not his duty, in the deficiency of his knowledge. Then he strikes upon the principle which is at the root of Probabilism, that *a doubtful law has no binding power.*"[2] Objectively nothing is doubtful, but no human mind has a perfect grasp. "Our proposition, then, states that when an individual, using such moral diligence of inquiry as the gravity of the matter calls for, still remains in a state of honest doubt as to whether the law binds, in that mental condition it does not bind *him.*"[3] "A

[1] Rickaby, *Moral Philosophy*, pp. 153, 154.
[2] *Ibid.* p. 154. [3] *Ibid.* p. 155.

law of which I have serious outstanding doubts whether it exists at all, or, if existent, whether it reaches my case, is for this occasion a law not duly promulgated to me. Therefore it binds me not, and my liberty remains."[1]

What is a serious outstanding doubt? The word "outstanding" means "that we have sought for certain information, and cannot procure it."[2] A "serious" doubt is a "doubt founded on a *positive* opinion against the existence of the law, or its applicability to the case in point, an opinion fraught with probability, *solid, comparative, practical probability.*"[3] The meaning of a positive opinion is fairly clear; it must not be mere negation or vague suspicion, or the like, but some counter-reason that admits of being put "in black and white." Then, as we have seen, "the opinion against the law, when explicitly drawn out, must be found to possess a *solid* probability. It may be either an intrinsic argument from reason and the nature of the case, or an extrinsic argument from the word of some authority; but the reason or the authority must be grave. The opinion is thus said to be *intrinsically* or *extrinsically* probable. The probability must also

[1] Rickaby, *Moral Philosophy*, p. 156.
[2] *Ibid.* p. 156. [3] *Ibid.* p. 156.

be *comparative*. There is many an argument, in itself a very good one, that perishes when we come to consider the crushing weight of evidence on the other side. An opinion is *comparatively* probable, when, after hearing all the reasons and all the authorities on the other side, the said opinion still remains *not unlikely*, which is all that we mean to say of an opinion here, when we call it *probable*. In ordinary English, the word probable means *more likely than otherwise*, which is not the signification of the Latin *opinio probabilis*. Lastly, the probability must be practical: it must take account of all the circumstances of the case. Practical probability is opposed to *speculative*, which leaves out of count certain circumstances, which are pretty sure to be present, and to make all the difference in the issue."[1] Two further points ought to be noticed. "The safest use of Probabilism is in the field of property transactions and of positive law. There is the greatest risk of using it amiss in remaining in a false religion. All turns upon the varying amount of trouble involved in *moral diligence* of inquiry, according as the matter at issue is a point of mere observance or of vital interest."[2] Second, "the point on which the proba-

[1] Rickaby, *Moral Philosophy*, pp. 156, 157. [2] *Ibid.* p. 158.

ility turns must be the lawfulness or unlawfulness of the action, not any other issue, as that of the physical consequences."[1]

Now, there is significance in this argument. The rule brings its antidote. And the qualifications which are introduced by such Probabilism to determine the legitimate use of the opinion "against the law," even if we refuse to allow them the authority to which they pretend, are suggestive. It is because of their broad negative force that we have referred to them. The first objection to Probabilism, however, when applied by the doubter himself,—a new set of objections clearly emerges if it is to be applied by others; but that subject we need not discuss,—is, of course, based on what has been already said regarding the morality of rule. The next, which is associated with it, is the inadequacy, from a moral standpoint, of one's aiming at a merely safe course of conduct, coupled with the fact of an over-elaboration of rules, useful in their way, which in our view the consideration of such an aim tends to develop. The effort to do what is safe, even though confined within very narrow limits, implies a view of morality which inevitably makes the individual's escape from individual danger too

[1] Rickaby, *Moral Philosophy*, p. 158.

prominent. For ethics, at anyrate, whatever it may be for theology, it is not satisfactory. The whole trend of ethical thought lies in the direction of insisting on a man's doing his best. He must meet the situation in the best way he can.

Let us suppose, then,—to follow out this idea,—that in circumstances of difficulty two courses are, after inquiry and deliberation on the part of the individual, in his estimation both equally "likely." We may ask how, if he is prepared to adopt the policy of "the best he can," he is then to proceed. A due regard for his own moral training or for the current morality around him, or the like, will probably, when special attention is directed to such facts, turn the scale—frequently in favour of the difficult course. Nevertheless, it will perhaps be urged, in the last resort he may be nonplussed. We may suppose, for argument's sake, that he can be brought to a standstill—like the ass of Buridan between two bundles of hay, when opposed motives of equal strength debarred it from eating either bundle. And, in truth, in some difficult decisions which deal with large portions of our life, we not infrequently meet with something like this difficulty; though we do not ordinarily speak of it as a pre-eminently moral one. Common sense replies to

our dilemma by emphasising the necessity for decision: "Choose one alternative," it says, "and *risk* it." Such a stimulus generally suffices. But the conflict between decision and further deliberation may be itself advanced to the foreground. A struggle on this point must, however, be viewed with suspicion.[1] If protracted, it defeats its own end. And if, as a consequence of his resolution having been forced to a point in order to avoid his being utterly distracted, a man anxiously retrospects his past and strives to determine whether he has done his best or only his second best, he is generally considered to be morbid in moral tendency. The reason seems to be that the outward interest necessary to the doing of his best in concrete relationships is in danger of being impaired; and the man's idea of his best is receiving a moral twist by the whole course of his introspection.

Thus there is a variation of the idea of Probabilism which undoubtedly requires to be emphasised. It consists in the condemnation of morbid vacillation, especially in matters at all trivial, and of a conscientiousness which is so scrupulous that it shrinks from

[1] The normal type of difficult decision has been said to resemble "a necessity gradually revealing itself" (Bosanquet, *Psychology of the Moral Self*, p. 79).

doing anything. But it only applies to one type of character.

This whole line of thought is so important that we may proceed with it a little further. When we have a difficult problem of a practical kind to decide, and a definite period of time which we may legitimately use for deliberation, it is natural that we should desire to use that time to the very best of our ability. And various methods of procedure—far removed, indeed, from Probabilism, but still plans for regulating decision—have from time to time been proposed by practical men. These are generally either too elaborate or too obvious.

Some praise was at one time bestowed[1] on a curious system of "Moral Algebra" suggested by Benjamin Franklin, which, though it is trivial as a plan, is significant as an illustration. Half a sheet of paper is divided into two columns, one headed "Pro" and the other "Con." Then, during three or four days' consideration, the motives on either side are put down. When they are thus all together in one view, the endeavour is made to estimate their respective weights. "When I find *two*," says Benjamin Franklin "(one on each side)

[1] By Bain, *Emotions and the Will*, ch. vii. § 4.

that seem equal, I strike them both out. If I find a reason *pro* equal to some *two* reasons *con*, I strike out the *three*. If I judge some two reasons *con* equal to some three reasons *pro*, I strike out the *five*; and thus proceeding I find where the balance lies; and if, after a day or two of further consideration, nothing new that is of importance occurs on either side, I come to a determination accordingly."

We must assume, of course, that we are dealing with cases of genuine perplexity; and in such circumstances there is no doubt that we all weigh "the reasons *pro* and *con*." But the peculiarity about Benjamin Franklin's system is that, whenever he can do so, he strikes opposing reasons out. He is left with a balance at debit or credit. His reasons or motives are apparently all isolated things—labelled with particular numbers which represent their relative values. Any reason *pro* can be at once cancelled, apparently without that exercising any appreciable effect on the other reasons *pro*. Against such a view we must urge, that it is a sound instinct which leads the plain man to cancel nothing, but, instead, to "argue" about his difficulty. His more or less conscious endeavour is to get his reasons organised

into a system. If the arguments on the one side seem the weightier, he tries with their help to answer the arguments on the other; to show that the latter are not relevant, or to introduce modifications which will bring them into harmony with the general result. And the arguments which have a connected logical basis *inter se*, and which he can relate to his general principles of action, have, of course, much more weight with him than those which are merely fragmentary. No doubt, in a case of difficulty, we frequently fail to see through and through the intellectual meshes of the problem. We cannot meet all the objections which may be urged against the course which we ultimately take. Nevertheless, we make an attempt to reach a logical ground of action. The "casting out" of opposite reasons is a dangerous idea to encourage.

Time, again, is emphatically needed for many decisions. It is especially true that if our varying moods are suspected of influencing us in forming a decision in which they have no concern, it is imperative to counteract that influence by seeking advice from friends, or by considering the problem through many moods. It may be doubted, however, whether any system of resolving which is more

than a subordinate scheme of mnemonic aid, is of much value for the majority of men.

The question of practical decision may be usefully considered in relation to two types of disordered will. Apart from extreme cases, we find that, on the one hand, unreasonable precipitance in action is a common flaw in the willing nature, and that, on the other, almost equally disastrous results flow from that weakness in initiative which is sometimes, strangely enough, found to coexist with clearness of insight. Professor James has called these two types the "Explosive" and the "Obstructed" will. The resultant action of will, according to him, is always due to the ratio between its obstructive and explosive forces; and although the opposition thus indicated is curiously mechanical,—we have seen how such an idea as that of moral algebra fails to satisfy,—it will be well to follow the distinction for a moment. We have, then, first, the case in which impulses are too strong for the inhibitive force of the will to hold them in check; and, secondly, the reverse, where the inhibitions (which are necessary to all developed willing) gain undue prominence. The impulsive type of will, indeed, may indicate quite a usual temperament. An absence of scruples,

of attention to ulterior considerations, of what is signified by the Scottish term "canny," may reveal it. According to Professor James, it is not necessarily the result of greater intensity of passions or thoughts than men normally possess; its energy arises rather from the simplification of each moment's mental outlook. And since, unquestionably, the predominance of inhibition has its evil as well as its good effects, impulsiveness is not to be wholly condemned. Assuming a man to be possessed of certain important qualities, he may be all the better equipped for his work by a "hair-trigger organisation."[1] The energetic, mercurial, volatile temperament, in short, if, by "good luck or good guidance," it avoids losing its balance, performs much and pleases many. Its drawbacks, on the other hand, are too well known to need specification. "Don't Care," says the proverb, "was hanged." Purpose and system are exacting masters; but the good life cannot be lived except in obedience to them. When we turn to the extreme cases which insanity and debauchery reveal, we find a series of suggestive but ghastly pictures presented, showing, amongst other things, that the

[1] *Principles of Psychology*, ii. p. 537 *seq.* For James' "five types of decision," see p. 531 *seq.*

list of morbid desires which may master humanity is practically inexhaustible. Sometimes the victim of these tragedies undergoes a severe struggle before the insistent craving to act overcomes him; sometimes it conquers very easily.

In the obstructed will,[1] again, impulse is not sufficiently, or inhibition is unduly, powerful. The moral insight may be quite clear. In sufficiently morbid cases knowledge has lost its practical power. The guardians of the citadel have taken possession of it. Sentimentalism, in its worst sense, is connected with this type, and forms a degenerate phase of emotion, the evils of which are a favourite theme for the moralist. Clearly, if the will is to maintain its efficiency, the bond between thought and action must be preserved in good working order; restraints must act merely as restraints, and not be fostered till they induce general moral paralysis; such a habit of mind must exist that thoughts "in hours of insight willed" shall as a matter of fact be fulfilled through the hours of gloom that follow. And the conscience that will not prompt in the direction of a due regard for both inhibitive and active tendencies is a perilous guide to follow.

[1] *Principles of Psychology*, ii. p. 546 *seq.*

It is well, therefore, that conscience should be forced to consider, not merely one's particular acts, but the general state of one's willing nature.

In the education of deciding capacity, what we have said before on minor ascetic exercises requires to be kept in view. No less so, the fact that the altogether satisfactory decision must, in common-sense language, be "reasonable." And a shrewd observer has stated a consideration which contains a good deal of truth, thus: "A habit of thinking for himself is one which may be acquired by the solitary student. But the habit of deciding for himself, so indispensable to a man of business, is not to be gained by study. Decision is a thing that cannot be fully exercised until it is actually wanted. You cannot play at deciding. You must have realities to deal with."[1]

With the idea of the precipitate and hesitating will may be compared that of the division of natural temperaments into various types. Here we more clearly distinguish the material of volition from the organised whole. We may divide the temperaments into, say, the sanguine, the melancholic, the choleric, and the phlegmatic: and consider these both in relation to

[1] *Essays Written in the Intervals of Business*, p. 67.

decision, and more generally in regard to how they may be utilised for moral ends. The temperaments just mentioned are sometimes arranged in the figure of a Greek cross. According to the popular view, the sanguine temperament disposes to ease, to living for the moment, to flightiness; the melancholic, to moodiness, to living on one's feelings, to want of practical initiative; the choleric requires to be on its guard against hatred, jealousy, unreasonable violence; the phlegmatic finds its foes in insensibility and carelessness. The complexity of human nature, however, detracts materially from the usefulness of any scheme of temperaments which is not to be investigated with psychological minuteness. As regards the management of temperament, in its popular sense, the simple fact that it is of fundamental importance that one's nervous system should work on lines favourable to one's ideals, and not opposed to them, appeals to all as a central point.[1]

We may call attention, in concluding, to the necessity for stimulating the general sense of duty with regard to a subject on which this chapter has many bearings—the moral education of the young.

[1] For an interesting study of the temperaments, see Ribot *Psychology of the Emotions*, pt. ii. ch. xii.

We must supply their minds with something better than the memory-image of a stick. The fostering of moral habits; the danger of setting up as final a truth which is only relative, and will some day be found wanting; the value of historical examples of nobility of character and of similar examples from the humbler sphere of unrecorded life; the risks which beset effective punishment; the difficulty of communicating the necessary knowledge of evil without overstepping the limits of prudence; above all, the necessity of awakening interest in the good as well as respect for it, of rousing the intellect and imagination to play their part,—these and many other points increasingly demand study. In so far as the antithesis between natural inclinations and an ideal of moral life can be maintained, the modifying of the inclinations in many ways in conformity with the ideal, until the whole disposition is under the mastery of the ideal, will form a main object of moral training. But we must chiefly consider the process as one by which the individual advances towards his position as a full member of society.[1]

[1] The problems which agitate the old, it is well known, often appear in a grotesque but instructive form in the minds of the young. In the [illegible] of Professor Drummond, it is related how, on one of his visits to a boys' club in Edinburgh, he asked the boys to put

He puts on the armour of humanity. He discards the habit of immaturity. Nor must we regard the social ideal, in which he participates, too rigidly: it itself is changing; and it presents itself to his mind at a certain angle, so that he grasps it from his own place.

questions to him. He was so struck by those put, that he kept a list of them. They were—(1) "How can we find happiness? (2) What is the bottomless pit? (3) What is the camel through a needle's eye? (4) What do you think of gambling? (5) What do you think of strikes? (6) Is it offensive to God to smoke a pipe? (7) Who is God? (8) Why do monkeys not become human? (9) What is the use of going to church?" (*Life of Henry Drummond*, p. 425).

CHAPTER VII

THE WIDER ETHICAL UNITIES

WE have now to turn our attention to the social nature of man, as indicated by such phrases as the Solidarity of Society, and the Social Organism. It will be remembered that we have already touched upon the conceptions of organic freedom, of a morality that is "all of one piece," of social groups which reveal the working of ethical principle through them, of the social side of conscience: we have now to supplement what has preceded; and we may first glance at the modern, as opposed to the older, conception of a *general will.*

The phrase, indeed, is sufficiently familiar. But does the *thing*, after all, exist? Can we place it among the stubborn facts of life? The affirmative answer is not unusual. Dr. Bosanquet, in particular, has recently identified himself with the problem. And the simplest argument of a far-reaching

character in favour of the reality of the general will has probably been given by him in one of his essays.[1] It amounts in substance to the following.

Even if we regard the individual's mind in a mechanical and isolated way, we are forced to admit that, in popular language, the ideas and groups of elements generally which it discloses, are not a mere chaos, but tend to fit into each other, some dominating the others—in a word, are more or less organised. Our minds thus reveal systems and groups, with principles regulating them: and some ideas are capable of serving as schemes or plans which hold the other contents together. So the whole is constructed, more or less, on a scheme of groups and minor groups in relation; with this as a consequence—that when a dominating idea has got hold of the mind, the other main ideas (perhaps as co-operative) tend to subordinate themselves. All the parts are, so to speak, in touch. The whole, again, has a tendency to pass into action, and is, on its active side, Will. Such a statement only pretends to give the facts as we assume them in our ordinary conceptions; it is the business of psychology to carry them further back into the region

[1] *Aspects of the Social Problem*, No. 18.

of scientific research. But if the various minds
individuals are, in truth, so far systematic, t
philosophical question must be asked, whether th
are thus systematic in isolation, or whether the
is not a systematic arrangement which works throu
the various minds, as well as in them; whether t
very separation which the individual minds m
seem to possess is not really based on permanent a
significant relationships between them. Now, wh
we find men associated together, we also find,
the first place, that there is a common element
their ruling ideas, that they are influenced general
in certain ways. But we find more. We find th
their experience and external life are organised; a
that without this organisation neither external l
nor experience, as we ordinarily think of the
would be possible. In this, it is argued, the in
life is reflected. In so far as the community
living and experiencing together, we are led
conclude that there is a systematic relation betwe
the dominant ideas of individuals. The persons w
take part in this life form parts, mentally, of
organised whole. The total system is, of cour
never altogether perfect or harmonious: but in
far as it works permanently in producing a c

tinuous life and experience, with social institutions, it shows its existence.

Moreover, although it always needs the future to explain the present fully, we must endeavour to interpret and rationalise the process. Thus we might submit for consideration, that the common objection to the codification of law, which amounts in substance to the assertion that it stereotypes the legal aspect of the general will, is a mistaken one. Our view is that the general will is sufficiently powerful to overcome the stereotyping tendency; while the gain in clearness of authority and ease of administration, which is the result of codification when wisely carried out, more than counterbalances any attendant evils. But it would be out of place to press such a conclusion on the reader here. We merely mention it by way of illustration.

Dr. Bosanquet has elaborated his views in his treatise on the *Philosophical Theory of the State*. He says there: "The habits and institutions of any community are, so to speak, the standing interpretation of all the private wills which compose it; and it is thus possible to assign to the General Will an actual and concrete meaning as something different at once from every private will, and from the vote of any given

assembly, and yet as standing, on the whole, for what both the one and the other necessarily aim at sustaining as the framework of their life. It is needless to observe that such a representation of the Real Will is imperfect, since every set of institutions is an incomplete embodiment of life; and any given system of life is itself also incomplete. It is more important to remember that though always incomplete, just as the system of sciences is an incomplete expression of truth, the complex of social institutions is, as we have seen, very much more complete than the explicit ideas which at any given instant move any individual mind in volition."[1] Again: "We have said enough to suggest that society *primâ facie* exists in the correlated dispositions by which a plurality of individual minds meets the need for covering the ground open to human nature, by division of labour, in the fullest sense."[2]

For a full discussion we must refer to the book

[1] *Theory of the State*, p. 123.

[2] *Ibid.* p. 178. Dr. Bosanquet continues: "But we have further pointed out that the true particularisation of the human universal does not necessarily coincide with the distinction between different persons, and that the correlation of differences and the identity which they constitute remain much the same whether they chance to fall within a single human being, or to be dispersed over several." We are not prepared to go quite this length.

tself; from which it is almost impossible to quote satisfactorily. The theory represents an important development of an important phase of thought. Illustrations of a general view of this kind, of course, abound. And, as amusingly illustrative, we may add some phrases of Mr. Frederic Harrison regarding a portion of life—the solving of speculative and social problems. "It is obvious," he says, "that no man can honestly dispose of all that lies *inter apices*, of philosophy, politics, and religion, unless he have some scheme of dominant ideas. If he cannot range himself under any of the known schemes, if he be neither intuitionist, experimentalist, or eclectic, if he incline neither to authority nor to freedom, neither to revelation nor to scepticism nor to any of the ways of thinking that lie between any of these extremes—then he must have a brand-new, self-originated, dominant scheme of his own. If he tend towards no known system of ideas, then he tends to his own system; and this is usually the narrowest and most capricious system that can be invented."[1] This, of course, is popular phraseology; but the philosopher might fairly push the argument further, and maintain,

[1] Article on Matthew Arnold in the *Nineteenth Century*, March 1896, p. 445.

that if a man had a brand-new, self-originated system of dominant ideas of his own, he would need to lead a brand-new, self-originated life of his own, out of relation with his fellows altogether, and out of touch with their interpretation of the world in which we live.

We may perhaps note, too, how naturally in dealing with the mind, even in psychology, its connection with the social organism presents itself. "The same man," it is said, "belongs at once to his political party, to his Church, to his family, to his club, to his trade or profession, and so forth. He is thus connected with a multiplicity of separate social groups, each having its own distinctive aim and function and its own appropriate mode of organisation. To each of these distinct social relations there corresponds in his own mind a distinct group of psychical elements. These are subordinate components of his general mental organisation, just as the various minor social systems are subordinate components of the general organisation of society. Similar mental groups tend to grow up in connection with each of the special aspects of his experience. To understand the meaning of a word, to identify or classify a perceived object, to plan a consistent course of action—are all mental processes which involve the existence of groups of ideas having

severally a certain systematic unity." And so, mental anarchy comes to resemble social anarchy. When a social organisation is dissolved, its elements become free to act independently. The same is the rule with a mental organisation. This is shown in the case of aphasic patients, of certain phases of hypnotic trance, and so on.[1]

All this is undoubtedly interesting. It may, however, be considered somewhat technical, especially as it suggests the discussion of how far the general will should be called a *will* at all. Let us take it as our main purpose, then, in what follows, to press home the working idea of a common good in social life, showing itself, so far, through the moral institutions. "A true theory," says Professor Alexander, in opposition to the point which we would now venture to maintain, "will always be so far individualistic that in accounting for how far one man can pursue the good of another, it will insist that the good attained by each party to the transaction is different and incommunicable."[2] We should desire to modify that so far as to suggest that though each of the individuals is a differentiation, as it were, of the social organism,

[1] Stout, *Psychology*, ii. pp. 116, 117.
[2] *Moral Order and Progress*, p. 175.

morality looks at the dominating mutual life revealing itself in innumerable ways: and this, despite difficulties (which we have sufficiently emphasised), is the essential part of the secret of virtue.[1]

We have, in fact, to ask whether the primary outlines of the ethical organism must not be considered to be those aspects of feeling, intelligence, and will which are manifested in the social groups, but seem to reveal themselves essentially as spirit. By adopting this view we give the individual, in the popular sense of the word, in which his bodily wants are prominent, a subordinate position. Nay, the individual, in any sense in which he and his neighbours can be regarded as forming merely opposed units, becomes so modified in it that he is overshadowed by the ethical outlines themselves. The question is not whether we are to abandon the idea of the individual; doubtless we cannot get rid of the individual in ethics; it is whether the relation between the one, as such, and the social

[1] The following passage from Comte may be of interest: "The first duty of every social organ is, without doubt, the right discharge of his own function. But good order also requires that each assist, as far as he can, all others in the discharge of theirs. Such assistance becomes even the chief characteristic of the collective organism, as a consequence of all its agents being intelligent and free" (*Catechism of Positive Religion* (3rd Eng. ed.), p. 192).

whole, which is so continually put forward as if it were all-important, is not qualified materially by the intrusion of other elements. Thus, if I fall back on the conception of a plurality of human beings of which I am one, the question arises whether what occupies the field of my imagination is not one particular aspect merely (and that an aspect the practical importance of which is prone to be exaggerated) of the ethical organism or order which our nature demands. And misdirection in the manner of asserting our apparently pointlike personality, will assuredly defeat the very end—of really asserting it—which we have in view. So far as ethics is concerned, the social organism is a conception which presents serious difficulties unless we are prepared to be, not indeed, like nature, careless of the single corporeal life, but very determined to see it in its proper perspective.[1]

And what of the pitfalls which surround moral expansion? No doubt these must be recognised.

[1] Cf. Bosanquet on "Hegel's Theory of the Political Organism," *Mind*, N. S., No. 25. Rochefoucauld has a maxim — "Idleness, timidity, and shame often keep us within the bounds of duty, whilst Virtue seems to run away with all the honour of it." So in a scheme of social compromise the compromiser often suggests that selfishness keeps us within the bounds of social form, while Solidarity runs away with all the credit of it.

Professor James has scornfully criticised the meekness of some expansive natures. "Such persons can feel," he says, "a sort of delicate rapture in thinking that, however sick, ill-favoured, mean-conditioned, and generally forsaken they may be, they yet are integral parts of the whole of this brave world, have a fellow's share in the strength of the dray-horses, the happiness of the young people, the wisdom of the wise ones, and are not altogether without part or lot in the good fortunes of the Vanderbilts and the Hohenzollerns themselves!"[1] They claim the benefits of the organisation without being themselves in keeping with it. Not by such meekness shall we inherit the earth. But this line of criticism is at best very limited. The ascetic recluse may dream that, by abandoning self, the universe grows "I." But we must remember that to him the good fortunes of the Vanderbilts and Hohenzollerns are probably the "abomination of desolation." He is cosmic in a misguided way; but his despising of his body is in a line with the despising of the material goods of fortune and the "happiness of the young people," not with identification with them. On the other hand, the moral grandeur of even the Stoic position in its finest aspect

[1] *Principles of Psychology*, i. p. 313.

is clear. We are all citizens of the great world-city. For five years or fifty years, as law allots: that makes no difference to the central fact. Nor, as such, do the mere gifts of fortune.

If ours is a social life, again, social order demands that, in some degree, our institutions should conform to a recognised plan. Society has a mechanical side, though we are prone, perhaps, to make too much of it. If we have criticised somewhat sharply conduct in *general* in the last chapter, we are now forced to admit that there is a kind of conduct in *particular* which is obviously useless. Caprice means chaos. As Socrates said to Crito, we hear the voice of the Laws murmuring in our ears "like the sound of a flute in the ears of the mystic."

A good indication of the "algebraic" view of society, which may be contrasted with that just presented, is to be found in Jowett's criticism of Plato's "*Republic*." "Plato," he says, "labouring under what, to modern readers, appears to have been a confusion of ideas, assimilates the State to the individual, and fails to distinguish Ethics from Politics. He thinks that to be most of a State which is most like one man, and in which the citizens have the greatest uniformity of character. He does not see that the analogy is partly

fallacious, and that the will or character of a State or nation is really the balance or rather the surplus of individual wills, which are limited by the condition of having to act in common." But, Jowett continues, "we hesitate to say that the characters of nations are nothing more than the sum of the characters of the individuals who compose them; because there may be tendencies in individuals which react upon one another. A whole nation may be wiser than any one man in it, or may be animated by some common opinion or feeling which could not equally have affected the mind of a single person, or may have been inspired by a leader of genius to perform acts more than human."[1]

The reply to such argument, of course, would be in effect, that the community of interest was not placed on a sufficiently high plane by it; and that the individuals were conceived of as independent in opposition to fact, as acting only occasionally from a common basis in a way that would render language, law, industrial organisation, and especially ethical action, almost impossible. It is not a strong enough assertion to represent the truth, to say that there "may be" tendencies in individuals which react upon

[1] Jowett's *Plato* (3rd ed.), vol. iii., Introd. to *Republic*, pp. 198, 199.

one another. The tendencies are always reacting, and the individuals are developed through their having to act in view of common aims. In order to be benevolent, we must be able to say in some sense, "In the name of my tribe, I love you." It is, of course, a mistake to imagine that that is the best State in which there is most uniformity. But, on the other hand, a common "opinion," or "feeling," of an intermittent character quite misrepresents the meshes of the social life.

Puchta has presented in an old-world fashion the relative antithesis between the two sets of spiritual bonds which unite men together; and perhaps any difficulties which we may find in accepting his language may bring out more clearly our own views, and help to convince us that the one class of bonds must be harmonised with the other. Two guides have been given to man, he tells us, by which the tendency to individualistic separation—the impulse which drives him towards dividing himself from his fellow-men, as coexisting individuals, and leads, when uncontrolled, to pride, selfishness, and hatred—the impulse by which the differences manifested in human relations are unfolded and intensified—is controlled rather than suppressed. "The one is Love, which awakens the senti-

nent of devotion and surrender, the very opposite of the impulse of egoism, and stimulates the individual to assimilate himself to others. It has therefore been said of it, in contrast to those lower outgrowths of spiritual life, 'it is not puffed up, doth not behave itself unseemly, seeketh not her own, is not easily provoked.' On the foundation of this Love rest the natural unions and associations of men in society. These include Marriage and the Family, as the product of family love, the People united by the principle of Patriotism or Love of Country, and the Community of all mankind to which universal Philanthropy leads. Above all these stands Love to God, the true source and end of all Love. The second guide is the *sense of right*. This sense is likewise destined to guard the condition of Equality among men, by reducing their individual inequalities under that which belongs equally to all, namely, personality as the possible will of all, and by thus setting limits to the impulse and tendency of the individual to refer and subject others to himself. This function of equalisation is effectuated by the individual being led to recognise others as possessing rights like his own. Upon the natural inequalities of men and their mutual relations, rests the manifoldness of Right. These inequalities present the material which

Right has to master and reduce to harmony. . . . Thus the march of Right trends towards an Equality which gives to the merely jural view of things a hard and cold aspect, and it appears lifeless to the impressional phantasy and the pleasing play of the feelings. The many-sidedness of human nature is contracted in the sphere of Right into the colourless conception that only represents what Person involves. It makes all the riches of external nature shrink into the equalising conception of mere Things, and the ideas of Claim and Obligation suffice for the representation of the whole infinitely varied intercourse of men in society. Yet the value of Right ought to be judged by its fruits. Beneath this cold and apparently insensible covering there stirs and moves the warm life of humanity in all its fulness and variety, not really checked and suppressed, but furthered and protected. What appears to the quick overflowing feeling as a robbing of the manifold richness of existence, is in reality the very condition which prevents the destruction of all Individuality. The order of Right may be compared to the understanding."[1] We do not ask the reader to accept Puchta as his intellectual guide; but here we have, in clear-cut

[1] Puchta, *Juristic Encyclopædia* (Hastie's Eng. trans.), p. 21 *seq.*

outline, a theory of social life which will compare not unfavourably with some others of larger pretensions.

Again, the *unintelligent* aspect of the social mind presents, unquestionably, some difficulty to a theory of the common good. The social mind is no doubt influenced by ideas; but in what apparently extraordinary ways ideas have moved it, the student of history does not need to be reminded. It might almost seem justifiable to draw a broad line of demarcation between the intelligent appreciation of ideas and the force which they may exert, apart from their reasonableness, on societies of men. Yet that division, we must urge, cannot be ultimately maintained. The reasonableness of the idea, its power of touching life at many points, of explanation and unification, its breadth and depth, give it, at least in large measure, its permanent value for society. Ideas are not a blind fate moving us onward by combining in a way that is wholly irrational and unintelligible. They tend to form a system. This view, no doubt, may involve the assumption that there is an end or law of rational progress, either absolute, or valid for the cycle of history under consideration; but it is difficult to avoid such an assumption in the face of knowledge and morality.

Our present point, however, is to draw attention to

the hypothesis, sometimes advanced, that the "social soul" is held together by ideas in a degenerate form which are common to the masses, but the real meaning of which they are permanently disqualified from appreciating. Life is thus split into two discrepant parts. Let us hear what M. Le Bon has to say regarding the character of races, in elucidation of a view of this kind. "Character is formed by the combination, in varying proportions, of the different elements which psychologists are accustomed at the present day to designate by the name of sentiments. Among the sentiments which play the most important part must more especially be noted perseverance, energy, and the power of self-control, faculties more or less dependent on the will. We would also mention morality among the fundamental elements of character, although it is the synthesis of somewhat complex sentiments. By morality we mean hereditary respect for the rules on which the existence of a society is based. To possess morality, means, for a people, to have certain fixed rules of conduct, and not to depart from them.[1] As these rules vary with time and place, morality appears in consequence to be a very variable matter, and it is so in fact; but for a given people, at a given moment,

[1] Contrast the teleological view.

it ought to be quite invariable.[1] The offspring of character, and in nowise of the intelligence, it is not solidly constituted until it has become hereditary, and, in consequence, unconscious.[2] In a general way the greatness of peoples depends in a large measure on the level of their morality. The intellectual qualities are susceptible of being slightly modified by education; those of character almost wholly escape its influence. . . . The discoveries of the intelligence are easily transmitted from one people to another. The transmission of the qualities appertaining to character is impossible. They are the irreducible fundamental elements which allow of the differentiation of the mental constitutions of the superior peoples. . . . The character of a people and not its intelligence determines its historical evolution, and governs its destiny. It is always to be met with behind the apparent fantasies of that most powerless Chance, that most fictitious Providence, that very real Fate, which, according to varying beliefs, guides the actions of men."[3]

Thus character and intelligence are fundamentally opposed. And on that basis a social theory is raised.

[1] Cf. Professor Alexander's *Moral Order*.

[2] Contrast our view of moral habit.

[3] *Psychology of Peoples* (Eng. ed.), pp. 31–33.

Life is in the hands of a sociological fate. We need not criticise this hypothesis in detail. Our ideas of character, of morality, of the functions of reason, of social organisation, may all be contrasted with it. Our view is incomparably more rationalistic. But we may add a short account of how, according to M. Le Bon, ideas arise to power. For this not only illustrates what has preceded, but it presents in a subtle and clear way, though with too great a parade of human stupidity, the distracting influences which anything like intelligent progress has to meet.

"Whatever the nature of the idea, whether it be a scientific, artistic, philosophic, or religious idea, the mechanism of its propagation," he says, "is always identical. It has to be adopted at first by a small number of apostles, the intensity of whose faith and the authority of whose names give great prestige. They then act much more by suggestion than by demonstration. The essential elements of the mechanism of persuasion must not be sought for in the value of a demonstration. Ideas can be enforced either by the prestige of the promulgator or by an appeal to the passions, but no influence is exerted by appealing solely to the reason. The masses never let themselves be persuaded by demonstrations, but merely by affirma-

tions, and the authority of these affirmations depends solely on the prestige exerted by the person who enunciates them."[1] The new idea, after encountering opposition, is more and more discussed; "that is to say, in reality it is entirely accepted by the one side and entirely rejected by the other side. Affirmations and negations, but very few arguments, are exchanged, the sole motives for the acceptance or rejection of an idea being inevitably, for the immense majority of brains, mere sentimental motives, in which reasoning cannot have any part."[2] Then "the new generations who find it controverted tend to adopt it merely because it is controverted."[3] And, before long, the idea "has no longer any need of support. It will now spread everywhere by the mere effect of imitation acting as a contagion."[4] Thus it becomes accepted by opinion. "It then acquires a penetrating and subtle force which spreads it progressively among all intellects, creating simultaneously a sort of special atmosphere, a general

[1] *Psychology of Peoples*, pp. 172, 173. [2] *Ibid.* pp. 173, 174.

[3] *Ibid.* p. 174.

[4] *Ibid.* p. 174. This is an important point. The educational value of imitation is obvious. The tendency which manifests itself in panics and the excesses of the crowd reveals the other side of the picture. We must be careful, however, to consider what we mean by imitation.

manner of thinking."[1] "The idea and its consequences then form part of that compact stock of hereditary commonplaces imposed on us by education."[2] Finally, after a time it passes through a series of retrograde transformations and dies out.[3] Now, it will be noticed that, in this ingenious pessimism, when the idea does reach success, it is already shorn of all the lustre of thought, and has sunk to the level of a commonplace of the most mechanical kind. We have here dominant ideas, or remnants of ideas; but it would be mockery to call them the elements of a general will. The "moral algebra" of our last chapter becomes insignificant beside such a system of mechanism as this.

In a more moderate spirit, yet also from the seat of the scorner, Mr. Bagehot has criticised English public opinion. "The average man," he says, "is a cool, common person, with a considerate air, with figures in his mind, with his own business to attend to, with a set of ordinary opinions arising from and suited to ordinary life. He can't bear novelties or originalities. He says, 'Sir, I never heard such a thing *before* in my life,' and he thinks this is a *reductio ad absurdum*." When he purchases his *Times* he wants to be provided

[1] *Psychology of Peoples*, p. 174. [2] *Ibid.* p. 175. [3] *Ibid.* p. 180.

with remarks that are not too profound—of which he can fancy the newspaper only reminded him. So in politics. The successful statesman is he who catches the floating sentiment of society, and induces the average man to think, "I could not have done it any better if I had had time myself."[1] But the good-natured satire contained in such a representation marks the utmost limit which we can allow to those who would press upon us the irrationality of the average man with his politics and his opinions. If it is used as an instrument for scientifically removing his brain, we must object. An unintelligent intelligence, he may be; but he must remain an intelligence.

The influence of social life is specially conspicuous in the developed State. In the State an organised will, real or marvellously like real, is at work; and though an exaggerated tendency to speak of the State as if it were the only form of public will is sometimes manifested, that must not blind us to its importance. The central unity of political life supplies many different aspects of society with definiteness, and guarantees stability to many organisations. It is specially related to our individual experience. We have thus arrived at the meeting-place, as it were, of politics and ethics,

[1] *Biographical Studies* (2nd ed.), pp. 3 and 4.

and we cannot escape from a short consideration of the State. It is right, however, that we should follow our main line—that of ethics—in what immediately follows, reserving what we have to say regarding the other for a subsequent chapter. Accordingly, we may extend our survey from State-life to that civilisation in which, as children of the modern world, we find ourselves.

For, when all is said, it is modern civilisation as a whole that can claim to be the inheritor of the great ideas of the past, and the main hope of the future. Its capacities are enormous. Its potential usefulness has been set forth with singular force by certain Positivist writers: for the strong ethical bent of their teaching in international questions has led them to weigh the possibilities of international fellowship with care. "In the simple series of social existences with which we are ultimately brought into contact," says Mr. Congreve,—"the Family, the Country, Humanity, —we need for practical purposes the intercalation of a new term, a collective existence wider than the country or State, less extensive than humanity. The largest organism, Humanity, is unselfish, but powerless immediately. It is the end, not the means. The smaller one, that of the State, has power to work out its purposes, but is too isolated and selfish. We want,

then, an intermediate organism, free from the State's peculiar evil, free also from the necessary impuissance of Humanity. We need an organism which can be invested with a leadership — the hegemony of the race—not for its own service and advancement, but for the service and advancement of the race. This is no new idea. . . . It has been repeatedly tried with varying success. The provisional creations of the past have in their failure left us the indications of success, the materials for the definite construction of a power competent to this high function."[1] Such an organism Mr. Congreve finds in "The West."

The organism which we are looking for is hardly so political as that which Mr. Congreve desires. But without adopting his point of view precisely, we may assuredly see in modern civilisation an organic unity, which, if less active in service than might be desired, stands, palpitating with life, between the State and the outer world. Let us admit, then, that, as Mr. Congreve proceeds to point out, our civilisation historically includes three essential movements—the intellectual cultivation of Greece, the social incorporation of Western Europe by Rome, and the Catholic-Feudal organisation of mediæval Europe; and that

[1] *International Policy*, p. 7.

these three can be regarded as cumulative in their effects. We find ourselves now in the midst of a vast organisation of thought and life which the sentiment of nationality or political unity cannot be allowed to overshadow. The very richness of this inheritance makes it appear different to different eyes. But the treasure is there. Nor can our legacy in the last resort be represented as a mere collection of the precious things of the past; it is a spiritual inheritance; a legacy of life; continuity and organisation seem to be essential to it. Our modern civilisation may, of course, be adversely criticised. Its defects may be contrasted unfavourably with the defects of other times. But, on the whole, it is difficult to deny its claim to be the marvellous result of a general progress.

We may likewise attempt to question the future, as Mr. Congreve does to a certain extent in the passage already quoted, regarding the ultimate power of corporate action residing in civilisation. And we may probably see, in such phenomena as modern extradition, the widening of commerce, the extending of the means of transit, proposals for the development of arbitration, and the mitigation of the horrors of war among civilised communities, signs of a further integration. But it is difficult to forecast what

shape the uniting bonds will assume. Probably they must remain ethical rather than political. At any-rate, there is suggested dimly (though national passions are very strong) a federation or unity of understanding and endeavour, which, without setting up the existing standard of civilisation as ultimate, will aid general solidarity and ensure the recognition of certain broad principles as of capital importance for our life. No doubt the moral ideal is always changing in some degree, but its static aspect has its uses.

Morality, again, is not bounded by the circumference of civilisation; it must take all men into its grasp. According to the general interpretation of this principle, it is at least true that no one is excluded from its domain. We might perhaps say that humanity is essentially a society; but so wide a society that it is misleading in many respects to call it one. We have heard even a Positivist acknowledge its powerlessness in one direction. Powerless it certainly may be called. But a wide conception of the answer to the question, "Who is my neighbour?" in which the alien, the degraded, and the savage are included, is, of course, necessary to the modern moral standard.

In using such a conception as universal morality a subordinate difficulty meets us. It is the allowance

to be made, in regulating our own conduct, for conduct falling altogether below the general standard, as exhibited in less developed man — for example, the savage and the child. We may dispose of it generally, without plunging into the depths of theory, by saying that we regard morality as specially provisional in the case of such persons; degrees of capacity are taken specially into consideration. Yet we cannot, without cutting ourselves adrift from the whole moral tendencies of Christendom, ignore the fact that these persons have been gathered in, as it were, to the moral fold: that they are beings for whom there exists a duty and a right of the same kind as our own. Thus the influence of the limiting conception is not confined to what we are to do for others; it is also manifested in what we expect of them, however weak in degree we may conceive their moral capacity to be. The organic principle is shadowed forth.[1] "Man, oh, not men!"

It may be worth while to consider for a moment

[1] Professor Muirhead considers, for example, that the universality opposed to the relativity of morality must be distinguished from (*a*) the idea that morality can come to be the same for all men; (*b*) the finality of any conceivable moral code; (*c*) the ubiquity of the highest recognised standard. The chief point, he thinks, is that it represents the demands of the rational or universal element in human nature (*Elements of Ethics*, p. 229). The main questions are with regard to (*c*), and the idea of "moral capacity" mentioned above. Cf. *infra*.

how far the Kantian idea of reverence can afford us any practical help in dealing with humanity, if we refuse to regard it as a complete or satisfactory organism. In Kant's scheme, says Dr. Caird, "in spite of his idea of a kingdom of ends, reverence before the abstract law is still treated as the essential and necessary form of moral sentiment. And, in a sense, we may admit that it is *a necessary* form of such feeling, though only as characteristic of a special stage in our moral development. . . . The importance of a philosophy which takes such a view of the moral life lies in this, that, by purifying the universal of all elements of the particular, it for the first time makes it possible to show the true relation of the particular to the universal. . . . So long as the moral principle manifested itself only as the principle of union in a particular domestic or national society, the natural and the moral, the particular impulses and the universal law of reason, were necessarily confused together, and reverence for the social order was not yet the reverence of man for that which makes him man, but partly a reverence for that which distinguishes some men from others."[1] Kant's reverence was calculated to turn thought in a new direction.

[1] *Philosophy of Kant*, ii. p. 287.

Similarly, we may perhaps feel that, finding a practical, if not a theoretical, difficulty in regarding humanity as a spiritual society in which all men are members—from the vastness of the conception, from the degradation of much human life—we may turn at times to reverence for the essential qualities of human nature, and use it as a working hypothesis. Yet experience seems to show, as we have before argued, that the attempt to set our inclinations definitely on kindliness to others is the necessary accompaniment of a reverence worthy of the name. We must at least make such a proviso.

But further, after extending our duty laterally, as it were, to all men, we are met by the difficulty of explaining our so-called duty to animals. It is clear that we must provide in some way for a recognition of the ethical facts thus brought into view. It is generally maintained that the duty is not directly *to* the animals, but that in the broad scheme of duty as a whole a certain consideration for animals is involved. And we do not speak of the duties of animals to us, except metaphorically. Perhaps the safest solution of the problem is to form an analogy between the capacities of animals and human capacities; and to endow the animals with quasi-rights or quasi-demands

on us from the ethical standpoint. This theory, while it is favourable to the animals, avoids bestowing upon the brute creation a kind of "natural" right which in practice few people are willing to allow. Nor does it attempt to extenuate the brutality with which animals often treat each other and man. But it advances a step beyond the dogma that animals are "mere things"; a statement which is never quite satisfactory to common sense.[1] In many discussions on the rights of animals, it may be added, the term "right" is used very loosely.

How far the hunting and fighting instincts which

[1] According to Wundt, we must admit without reservation that the simplest feelings and impulses of the animals and of man are essentially the same. Nevertheless, "man alone is conscious of his connection with the past. The animal consciousness is continuous, as a general rule, only from moment to moment; in any case its continuity is confined to the limits of the individual life. The continuity of the human consciousness, even at its lowest level, embraces at least the tradition of several generations" (*Ethics*, i. § 104 *seq.*). There is a discussion of animals' rights, in Professor Ritchie's *Natural Rights*, p. 107 *seq.* As an example of a legal view we may quote the following: "The only justification of Acts against cruelty to animals is that the cruelty demoralises those who practise it. They are less than human. We have no guarantee that they will draw the line at the lower animals, and abstain from cruelties to their fellow-men. By such statutes we seek to complete their personality, and raise them to the ordinary standard of humanity" (Miller, *osophy of Law*, p. 295).

we have inherited from other times are answerable for the cruelty to animals which exists in our day, we need not discuss. The organised prevention of wanton acts of cruelty is certainly an end which justifies strong measures in a civilised community. Yet some disputes arise as to when the inflicting of pain on animals is justifiable. The overworking of animals raises important questions. Man may use the animals for his needs; but may he use them unsparingly? How are we to deal with "sweated" animals? A larger measure of sympathy with working animals is being unceasingly demanded. Similarly, the methods of sport are being scrutinised. Their incidental concomitants are being brought into full light, and not infrequently challenged. A more sensational problem deals with the enforcement of limits to the general liberty to vivisect. It has been argued, indeed, that the legal prohibition of vivisection to men of science is an insult to them. It is said to imply the inferiority of their moral feeling to the average feeling of the community.[1] Yet restrictions of some sort appear to be in place here. Reasonable men of science will not be swift to charge general regulations with the gravamen of insult.

[1] Miller, *Philosophy of Law*, p. 295.

When we reach the animals we are in one sense at the end of our survey. But the idea of our relation to the totality of things inevitably suggests itself. We may experience emotions, akin to Clifford's cosmic emotion, flowing from the conception of a universal moral order violated or furthered by us. All such experiences are significant. But we must turn to religion, or to metaphysics, or to both, if the problems so raised assail us with importunate questionings. Perhaps the most famous of non-theological expressions of unison with the cosmos is that of Marcus Aurelius: "I am in harmony with all that is a part of thy harmony, Great Universe. For me, nothing is early and nothing late that is in season for thee. All is fruit for me, which thy seasons bear, O Nature! from thee, in thee, and unto thee are all things."[1] For him, morality was cosmic in its origin and sanction. Even the social virtues were based on their cosmic import. But the difficulties of his Stoic position were not fully present to him. Utterances of a similar character, but more in harmony with the religious consciousness of our own times, abound. This phase of the religious consciousness finds itself in a region which seems to be beyond, and

[1] iv. 23.

yet not beyond, the restlessness of so much of our morality.

In the course of our investigation we have had occasion to notice, though not to corroborate, M. Le Bon's doctrine of the rise of ideas to power, and of character. We may now add a few remarks on moral progress. There are certain aspects of the development, or apparent development, of the moral ideal to which reference is continually being made. Three of them are stated in the simplest terms by Professor Seth, for example, as the transition from an external to an internal view, the subordination of the sterner to the gentler virtues, and the growth of a wider scope of virtue.[1] A great deal of what may be said in support of the tracing of these changes must be familiar to the reader. That they do somehow represent a moral progress, he will probably be inclined to admit. But, as Professor Seth points out, the later does not wholly supplant the earlier phase of virtue, when the transition has taken place. And it is well to make this prominent. The second of the points enumerated is perhaps *primâ facie* the most doubtful. The stern virtues have their friends. Obviously, to

[1] *Ethical Principles*, pt. ii. ch. iii. The law of moral progress is given as "the discovery of the individual."

treat them slightingly would be a great ethical mistake A false sentimentalism may play havoc in our midst at any time. We are probably prepared to see, in what we may call the benevolent order of things, the dominant modern conception; and that conception, it is submitted, has rightly triumphed. Yet to make the antithesis turn on sternness and gentleness is not quite satisfactory. We have already considered the moral aspects of love, and need not go back to that subject. But we are not prepared to make the stern virtues antithetical to it, except in a very secondary sense. The transition from an outward to an inward point of view, again, clearly depends for its value upon the inward point of view. The glorification of feeling we have repeatedly condemned; but the revolt against the externality of law is probably necessary. The widening of morality in its scope, once more, is a commonplace of most ethical surveys. We have already given one view of its meaning in considering Kant's "reverence." But it must be regarded as an achievement compatible with social organisation and the recognition of individual position.

Next, we naturally turn to the scientific conception of differentiation, with specialisation of function, as a law, or *the* law, of progress. Integration must, of

course, be taken along with it. According to Professor Alexander, even when the necessary corrections are made, it is merely a very abstract statement of what makes the difference between any one stage and the preceding.[1] Opinions will differ as to its adequacy. It is not a key which will unlock the doors of history. But it is not an idea, on the other hand, which we can afford to cast carelessly aside. It may be applied excellently to ethical progress on a theory which emphasises the idea of the End.

In the background we have the question of how far morality is ultimately social, and of what reasonable action really means. As before indicated, we may make the turning-point of morality the self. We may see in the identification of the private with the universal self, somehow, a basal fact of virtue. We may regard the "general will" as something more than social. In any case, moral individuality, on its two sides of depth and breadth, takes us far into speculative regions. A rational purpose, according to recent idealistic views, ought to have the two characteristics of self-consistency and consistency with the whole of experience. These demands are very

[1] *Moral Order and Progress*, p. 388.

wide and deep, but it is hardly necessary to point out that we are thus pushed forward by the logic of our own thought.

The idea that no "moral progress" can be theoretically discerned, is perhaps commoner than some would suspect. If it merely means that the moral point of view is not ultimate; and that moral progress, as seen from such a point of view, must be reinterpreted, then it is very easy to understand how the statement should commend itself for consideration. But in certain other aspects it has many difficulties to meet. Suppose we say that the only kind of progress which indubitably takes place is with regard to our knowledge of nature, and our command over it as an instrument for the realisation of our desires. And further, that, though it may be true that the general consciousness of morality, "recognised morality," has grown more perfect with the lapse of time, the moral character of the living man has not made any demonstrable progress, nor is there room to suppose that the future will bring about any essential change. On these and such grounds, says Lotze, pessimistic thinkers have rested their theories And while he admits that there is a good deal of exaggeration in their views, he affirms that on purely theoretical grounds there is as much to be said for the

pessimistic as for the optimistic doctrine.[1] The problem thus raised is not an easy one. Nevertheless, if we carefully examine the statements made in order to explain the facts of progress, we find that the method of separation is pushed with very doubtful legitimacy. It is the character of the living man, for example, as opposed to the consciousness of morality, that is attacked. Such a divorce between theory and practice we cannot allow. If *recognised* morality ascends, we must surely find room in some way for the ascent of character. Of course, new specific forms of evil are developed as we ascend. We must reckon with them. But we must not exaggerate their meaning. And it is difficult to think that they stultify moral progress in the sense last indicated.

[1] *Outlines of Philosophy of Religion*, sects. 82, 83. Another view may be given: it is that the means placed at the disposal of the moral personality are increased; but that the "will to be good" is, as it were, stationary. For Alexander's view of the form of morality, see *Moral Order and Progress*, p. 295.

CHAPTER VIII

A SUPPLEMENTARY VIEW OF THE STATE

THE meaning of the term "State," like that of "Politics," probably varies somewhat in different connections. It emphasises a formal element of independent organised societies. Yet, even if we emphasise with all legitimate force the idea of the *government*, it is obvious that we must also take into consideration the governed, and the social life which the governed lead. Indeed it is more necessary at the present time to relate the social and political worlds than to separate them. We shall therefore use the term "State" in a wider sense than that of the mere form of the regulated force of society, regarding it rather as the society itself which is thus governed. A nation may be said in modern times to approximate to a State: for a perfect State seems to imply some sentiment of nationality.

Whether there can be a nation without a State is largely a question of words.[1]

It is hardly necessary, after what has been said in our last chapter, to elaborate, in its more political form, the argument of those who maintain that Will, as opposed to force, is the basis of the State. Suffice it to say that, to abstract the force, in a theoretical treatment of Statehood, and to make the former all-important, is, it is maintained, to exhibit the whole in the wrong perspective. In State-life which is anything like adequate, on the one hand, the permanent supreme power is the product of social conditions; and, on the other, it is dependent on the instinct of subordination,[2] which is the out-

[1] An excellent analytic definition of a State is given by Dr. Sidgwick: "A State is an independent society of human beings, living in a certain degree of civilised order, and united by obedience to a common government, which exercises supreme dominion over a certain territory. According to the political ideal, practically now dominant, a State should be coextensive with a nation" (*Elements of Politics*, ch. xiv. sec. 2, Summary). Cf. Dr. M'Kechnie: "The State is an independent organised society" (*The State and the Individual*, ch. i. p. 61). Also Professor Clark: "A State consists of a body, or bodies, of human beings dwelling together but not members of the same family, in the habit of paying obedience to a person or assemblage of persons who are not in the habit of paying obedience to any other" (*Practical Jurisprudence*, p. 165).

[2] These phrases are borrowed from Stephen's *Science of Ethics*.

come of the desire of the people, more or less distinctly conceived, for certain social ends. Again, the control exercised by the people is, obviously, even if we take it at its lowest, hardly the same thing as the coercive power of the majority. And it aims at something very different. The force of numbers cannot turn oppression into control of the kind desired. If the majority are seeking selfish ends, these ends are calculated, so far, to upset the State. How far, at any particular stage of primitive life, social ends are semi-consciously recognised by the members of the community as elements in their idea of life, is a very difficult question to determine, on which we cannot expect to find absolute unanimity of opinion.[1] But some vague recognition of a social end seems to be the necessary counterpart of the attempt at social life. Politics must meet this fact. And so the nation as embodied in its political institutions has been called, rather in view of what it has in it to be than what it actually is, an organic commonwealth.

Maurice has amusingly described how, at one time, the graceful style and learning of Justice

[1] It involves the question of how far that community is self-consciously a moral organism.

Blackstone seemed to his auditors in the university to show that the British Constitution was an exquisite piece of machinery; and that the people living under it were deeply indebted to the wisdom of their ancestors for constructing so marvellous a thing; how Bentham, as a young man, appearing at the same university, insisted upon proving that, on the contrary, this boasted machine was the clumsiest invention that had ever been produced in the world; how the young man gained the day, and having effectually disposed of the ancestral wisdom that adjusted the Constitution, set to manufacturing a new Constitution for himself; and how, when they had considered all, the conviction began to root itself in the minds of Maurice and his companions, that the Constitution of the State was not merely a piece of machinery, but something that could be exemplified by the constitution of a man's body, which shows itself in life.[1] But the parallel between the Constitution of the State and the constitution of the man may, of course, be pressed too far. The biological view of the State gives us only an analogy, whether we take the phrase "Constitution of the State" technically or loosely.

[1] *Social Morality*, Lect. X. p. 163.

To see the State in its full development, we must look to modern times. Bluntschli, in a well-known chapter,[1] has attempted to contrast not only the modern and the ancient, but also the modern and the mediæval State. We may notice a few of the points of the former comparison. The modern State recognises, or tends to recognise, the rights of man as man. The ancient State did not attach the same importance to this ideal. The modern State has become conscious of the limits of its power, considering itself as essentially a legal and political community. The ancient State embraced, to a much larger extent, the whole life of the community.[2] Here an obvious difficulty with regard to modern politics meets us, to which we shall return. Our States are large, and full of varied interests: State machinery is very complicated; and it is not easy to determine how far the processes of government may usefully be extended in present circumstances

[1] *Theory of the State*, bk. i. ch vi.

[2] Cf. a suggestive passage, regarding *law*, in Stewart's "Notes" on the *Nic. Ethics*, bk. v. ch. i. § 13: "However *desirable* Aristotle may have considered the extension of the sphere of law in the strict sense of the term, he could not have affirmed with any show of truth that the laws, as *a matter of fact*, have something to say about all that we do."

—may be accepted as regulators of the whole of social life. Then, to proceed with Bluntschli, the modern State is representative in its government; in the ancient State, public authority was exercised directly by its holders. The modern State, again, is essentially a national State; the ancient was not. In the modern State different activities have different organs, to an extent not known in the ancient State. Lastly, the modern State recognises international law, while the ancient State did not. These are the most attractive of Bluntschli's distinctions, somewhat toned down. It is necessary to exhibit such contrasts rather broadly, however, if they are to receive their proper effect. They afford us a general glimpse of the characteristics of the modern State.

Bluntschli is careful to mention international law, it will be observed. And it will be clear, from what has been previously said regarding social groups, that the social recognition of the State by its neighbours is one of its most significant features. We have already touched by implication on the international characteristics of a State; but we may mention them more particularly. According to a recent view,[1] the marks of independent States are:

[1] Hall, *International Law*, pt. i. ch. i.

first, that the communities of which they consist are permanently established for a political end; second, that they possess definite territories; and third, that they are independent of external control. As regards permanence: if the States are to have rights and to be under obligations *inter se*, provision must obviously be made for that characteristic; and not only must we bestow on them a moral or legal personality of some sort, but their stability is necessary to the stability of the rights and obligations themselves. Otherwise, no guarantee for the fulfilment of obligations could be given. It is the theory of international law, that a State's identity is retained so long as the State undergoes no change which essentially modifies it in view of its international relations. Thus it is said that a community is able to maintain its relations equally well, whether it is presided over by one dynasty or by another, and whether it is in form a monarchy or a republic. This separation of State identity from the continued existence of a particular kind of government, it is maintained, is essential to the State's international aspect; for, if constitutional changes were customarily to affect external relations, —if, for example, a State in changing its Con-

stitution were to abrogate its treaties,—foreign States would necessarily interfere habitually with its internal politics, in order to preserve their own international rights. Even when a change is so fundamental that the State's temporary dissolution is involved, that does not necessarily destroy its identity; but if the permanence of the dissolution is shown by the erection of new States on the ruins of the old, or if anarchy is so prolonged as to render internal reconstitution improbable, the reverse holds good. Similarly, identity is not necessarily affected by part of the State's territory being lost, or by territorial expansion. No doubt, territory may be lost which does put an end to the State's existence, by depriving it of the power of maintaining its relations to other States. Yet frequently a State which loses even a considerable portion of territory, retains, through the preservation of its capital, or its original territorial nucleus, or otherwise, a portion which is recognised as the essential portion, to the effect of allowing it to maintain its life.

We have been speaking, of course, of independent communities. The chief kinds of States which possess imperfect independence are confederated States,

protected States, and States under the suzerainty[1] of others.

While the international rights and duties of a State may be variously mapped out, the right of self-preservation is generally made emphatic. "In the last resort," says Mr. Hall, "almost the whole of the duties of States are subordinated to the right of self-preservation."[2] Here the distinction between self and others—the distinction which idealists are desirous of subordinating—may seem to assume gigantic proportions. But, with war looming in the background, self-preservation is a very natural idea to engage national attention. Probably it is sufficient to say at this point that here we are dealing with details analogous to those of private law, and must use legal categories in doing so. Looking, then, at the subject from the legal standpoint, we find that there are intricate problems to be solved—as to when defence becomes defiance; as to when (though existence be not immediately threatened) States may be allowed to protect themselves against serious hurt by disregarding rules which in other circumstances would be

[1] For a recent article on Suzerainty, see *Journ. Soc. Comp. Legislation*, N. S., iii. p. 432.

[2] *International Law*, pt. ii. ch. vii. p. 281.

binding. Thus it may be necessary to infringe the sovereignty of another State, when an overt attack is being made from within its territory by a hostile band.

On the other hand, intervention supplies an equally thorny topic, because of the abuses which may take shelter under its name. Intervention is, at first sight at anyrate, a hostile act. As a means of prevention or police, it seems to be sometimes desirable. But it may, of course, be much more than that. Hence legitimate grounds of intervention are peculiarly difficult to lay down in a legal manner; and the equity, or want of equity, involved in the rules put forward by jurists has been a fruitful source of debate. Intervention under the authority of a body of States has in some ways a greater probability of being equitable than other forms of intervention, and is in general regarded more favourably. To some extent common sense comes to its aid, and the idea of a general will supports it. A somewhat ambitious dictum, significant in relation to intervention, asserts: "To secure by law, throughout the world, the maintenance of right against the aggression of the national wrong-doer is the primary object of the commonwealth of States, and the great duty of the society of societies."[1] And

[1] Phillimore, *Commentaries*, i. ch. i. § 10.

this *securing*, it is natural to argue, must be more than the expression of a pious sentiment in a text-book. Such a conception, if vigorously pressed, may appear to conflict with the view presented here in another chapter, that, when war breaks out, both parties to the combat are legally very much on the same footing. But it seems to be hardly consistent with facts to give the idea its full scope. Sir Robert Phillimore, after the passage just quoted, proceeds to assert that States can never be the subjects of criminal law. To speak of inflicting *punishment* on a State is for him an error.[1] And so the problem stands. We have before us, of course, when the abstract question of intervention is raised, on a gigantic scale, and with altered conditions, a problem not dissimilar to that of the interference of the State in matters within its dominion, which must be afterwards considered.

Turning now to the internal side of State-life, we see that the nature and measure of the control which the people are to exercise over the governing body in a civilised society, is the hinge on which many intricate problems of politics turn.[2] If, however, we admit that

[1] *Commentaries*, i. 1, § 11. For his views on Intervention, see vol. i. pt. iv.

[2] It has been suggested that the typical form of government in modern life is democratic, and that democracy is strongest in its

in an enlightened State the people must be so related to the Government that the latter is essentially, though it may be with qualifications, representative, we may assume two principles—that public criticism should be applied to the actions and projects of the governors, and that criticism should express itself periodically in the selection of persons who are to fill the main positions, to an extent, at least, which will keep the whole in touch with the electors. The necessity for public criticism, on such a system, supplies the great political argument for a free press and the right of free discussion; but an orderly discussion is presumed. To secure that the Government shall thus represent the general will is the aim of a popular system, worked out practically by machinery which can hardly be *à priori* determined. To many persons, it is hardly necessary to say, it seems very desirable

legislative, while, except in great emergencies, it is comparatively weak in its deliberative and executive departments. Mackenzie, *Social Philosophy*, pp. 380 and 384. That author thus makes the three main functions of government, deliberative, legislative, and executive (including judicial). But the division of government functions into legislative, administrative or executive, and judicial, retains its utility, at anyrate, as a basis for further investigation. Aristotle's division may be usefully compared with Bluntschli's, and the ingenious divisions of Dr. M'Kechnie (*The State and the Individual*) with those of Professor Mackenzie.

that the representatives should be something more than the mere mandatories of the electors—mandatories bound to carry out the latter's instructions in every detail. They should, to some extent, act on their own judgment. Without such liberty being recognised, it seems, amongst other things, impossible to take advantage of special capacity or training in conducting State affairs.[1]

Further, the advantages which public criticism affords are also relied on as an important argument in favour of the decentralisation, in some directions, of a government under popular control. Whether by means of the interrelation, say, by federation, of quasi-individual States, or by means of the establishment of local organs, working, to a certain extent independently, within the State, a differentiation of the political totality may be established, resting primarily on local grounds, which keeps the people and the government more closely in touch with one another than would otherwise be the case. The educative influence of such partial unities on the community forms

[1] An interesting consideration of the *referendum* and *initiative*, which are closely involved with this question, is given in the *International Journal of Ethics*, vol. vi. No. 1, by Mr. Lowell. See Sidgwick, *Elements of Politics*, ch. xxvii. 5 and 13; Webb, *Industrial Democracy*, i. p. 21 *sq.* (The principle considered in relation to Industrialism).

one benefit which they confer on the people; while the efficiency of the central body may be materially aided by its being freed from the superabundance of details. Historical considerations, however, and their very different scope and area, lead us to separate federated States, composite States (in which a part is subordinate), and other unities of that class, from organs of local government. And we must note that a subordinate State which is related to the supreme government merely by a bond of force, originating perhaps in conquest, has no intrinsic union with the latter. Thus the relation of the parts to the whole — which must always depend to some extent on the relative size of the parts—is the distinctive problem with which the principle of social integration, and in a lesser degree the fact of conquest, are ever confronting the politician.

An organic conception of political society may seem to conflict with the fact of the dominant influence of two opposing parties in politics, so conspicuous in modern life; and, to a certain extent, perhaps, it does so. Yet, in a democratic country, the influence of party, so far as it forms a check on the influence of factions, works towards and not against true unity. The conflict of principles is a necessity, the conflict of

sections, working for sectional interests, is what we have most to fear. A party organisation, most politicians would argue, is more capable of exercising a good influence in emphasising principle than any other which is practicable at present.

Again, if we were anxious to defend government by majorities, of an enlightened type, we might do so by asserting that it forms a compromise between the demand for an orderly as opposed to a riotous settlement of differences, and the demand for the victory of the true general will. That "we count heads instead of breaking them," in the modern State, is an epigram which does not lose its measure of truth by repetition. On the other hand, we do not support order, substitute peace for war, in order that folly may run its full course in government measures. Our appeal to order and to persuasion is at its root an appeal to reason in man.

Professor Sheldon Amos, at the close of his work on the *Science of Law*,[1] makes a strong protest, which contains some truth (and will perhaps remind the reader of M. Le Bon's more violent statements) against "fanaticism" in politics as it affects legislation. To invent a sufficient test, he argues, by which the wish of the

[1] P. 401 *seq.*

whole people shall be distinguished from the wish of a large and tumultuous faction, is very difficult. "The tests of numbers, of education, of rank, of wealth, of uproar," he goes so far as to affirm, "are all either inapplicable under the circumstances, or else absurd." We find an open field presented for the manufacture of a spurious counterfeit of popular conviction. The majority of the people are easily led, politically. There are large classes of laws which affect one order of persons in a different way, or to a different extent, from that in which they affect all the rest. The persons who are specially interested in the enactment or repeal of such laws are a section of the whole, but they thoroughly comprehend the subject, "or at least one side of it, the one nearest to themselves." They are not likely to be distracted by considerations of ulterior policy or interests other than their own. Their eagerness favours the generation of a vehement condition of feeling; and fanaticism, or something worse, is the result. Education and the rearing up in our midst of a race of statesmen who will be the servants of the people, but neither their masters nor their slaves, are the remedies which the critic has to suggest. It is not easy to suggest more radical ones. In this connection, it may be added, Professor Amos calls attention to

the danger of so-called *experimental* legislation. A bad law, even if merely experimentally introduced, poisons the social system. Moreover, only some of its results admit of being catalogued in a statistical form in such a way that their evils can be found out by analysis.

We may now turn to the question of State interference which these considerations suggest. If we start, in the endeavour to investigate doubtful limits, from the ordinary distinction between oneself and others, we are told traditionally that the State interferes not only to prevent acts which are directly harmful to others, but also to prevent acts which involve a risk of harm accruing from them. Further, the State may conceivably interfere, in the way of paternal government; that is, interfere with the individual for the individual's own good. Obviously, this form of interference is conditioned in its range by our ideas of the individual's good, which may vary indefinitely; yet paternal interference is not a phrase which can be ignored. Again, we have placed before us socialistic interference, where the whole community receives attention; an interference which suggests the often asked and not very easily answered query, What is Socialism? Lastly, but subordinately, there are said to be some

interferences, like the prevention of cruelty to animals, which arise from the growth of moral refinement. All these interferences shade off into one another perplexingly; and their adjustment *inter se* is no easy matter.[1] Yet they may form the basis for a general doctrine. In particular, the securing of an individualistic sphere of action undisturbed by socialistic restraint, and unhampered by paternal interference, is believed by many to be the essential condition of the growth of a vigorous race of citizens. On the other hand, Socialism may attempt to show the dangers of governmental lassitude from this very point of view. Thus, such forms of interference may be taken as they stand, and incorporated in our social philosophy. But, again, a distrust of extreme individualism may lead to the individualistic basis disclosed being so modified and refined that it really becomes but one side of a social synthesis which is organic. And fresh difficulties may then be expected to appear in bringing the forms into harmony with it.

But if the idea of isolated spheres of freedom is abandoned—if liberty is not conceived as a sort of anti-social fortification which the individual erects to keep others off—it becomes desirable to attempt to translate

[1] On these forms see Sidgwick's *Elements of Politics*, ch. ix.

the doctrine of State interference into another language altogether. Accordingly, we are forced to consider a contrasted view of the whole subject. The limits of State interference, let us say, then, are determined rather by the consideration of what human nature is, than by the issues of any individualistic hypothesis. We must fix our attention on the force employed. It is clear that in human action we cannot directly force the higher motives. Accordingly, Green maintains that the principle of "natural law" should be to enjoin all acts which further action from the highest motive, and no acts which interfere with such action.[1] And, following out such a line of thought, we may urge that the State should in its coercive capacity confine itself to removing hindrances to good or free life. It must negate particular obstructions. What these hindrances are, depends mainly upon the *specific contents* of the life which it is being attempted to live. We are thus supplied with a leading principle for limiting State interference; though it may be confessed that crimes of some sorts must be prevented, if there is to be free life of any kind anywhere. In its work of furthering specific life in this negative way, the State may commit itself to technically positive acts, but the

[1] *Works*, ii.: Political Obligation, § 16 (Summary).

principle of action, as it were, must remain negative; must be to prevent abuses, to sweep away obstacles.[1]

[1] Cf. Bosanquet, *Theory of the State*, ch. viii. Kant's interpretation of the principle of hindrance of hindrances is explained in Caird's *Kant*, vol. ii. p. 321.

It may be well, in passing, to make reference to the class of police offences, in their relation to the automatic aspect of social life which Dr. Bosanquet associates with the region of State compulsion. The analogy between automatic action in the individual and the sphere of social compulsion is interesting. If the nature of criminal punishment on the one hand, and on the other the arbitrative function of private right, limit the extent to which we can push the parallel, there is nevertheless a theory of police offences which gives striking support to the idea that, when our social "automatic" system goes out of order, we are "brought up" sharply, and our attention directed to the disorder by a "jar," more or less powerful. In our police courts petty crimes are generally dealt with; but such, says Mr. Miller, do not represent the proper idea of a police offence. "A police offence is an act which, if perfected and carried out to its result, would or might end in a crime or legally punishable offence. . . . In a police statute, therefore, the community tries to supplement the weakness of will in the individual. . . . No good citizen rules his conduct solely by reference to the Police Act, and in many cases the universal embodied in a policeman accomplishes its object simply by directing the attention of the offender to his offence. One who persists in a police offence, after his attention is called to it, is really criminal, and punishment is therefore appropriate" (*Philosophy of Law*, pp. 106-108). The type of offence indicated in this passage, by whatever name we may call it, though in itself trifling, is of some theoretical importance. The persistent offender may dislike to have his conduct called criminal,—in fact he often passionately resents it,—but we see, at anyrate, that the offender's lethargy is ordinarily dissipated by a stimulus not unlike a social "pin-prick."

This theory seems to be the most satisfactory one from the point of view of social philosophy. It should be remembered, however, that it is very difficult to sharpen the edges of the distinction last introduced so as to give it practical value. Types of State interference formed on the other plan, as we saw before, also shade off into one another. And the sharpening of edges is difficult on any hypothesis. Nor is it probable that we can press the principle of removing hindrances further than to say that in its main function the State must keep its eye on hindrances. It may have minor functions to which the principle hardly applies. With regard to crime, again, the principle must be construed in the light of what has been already said on legal punishment. And when once any sphere of interest has been made the subject of the regulations of Private law, it must be dominated by the latter's categories, including the antithetical self and others. Turning to international interference, once again, it may be broadly maintained that in the case of intervention we can only help a suffering State by enabling it to help itself; that, except within strict limits, the attempt to impress upon it an alien civilisation is almost necessarily a failure.

Two further points may be presented, by way of

helping us to consider the facts which surround the State's responsibility to the citizens whom it controls.

First, the duties of the State, even as commonly now recognised, in promoting the "moral, intellectual and material" welfare of the community, are enormously varied. Thus the supervision of places of amusement and public resort, the organisation (to some extent) of education, the maintenance of museums and libraries, may be taken as examples of its work in the first two directions. And, as regards more material interests, such subjects as the maintenance of lighthouses, the supervision of roads, railways, and the like, of banks and various companies, of professions or employments, the poor-law, the control (whatever that may be) which the State should exercise over lunatic asylums and the like, the collection of information and statistics, and that wide range of measures which are connected with considerations of health, and deal with drainage, unhealthy dwellings, dangerous and unwholesome occupations, pure water, adulteration, quarantine, vaccination, and the employment of women and children, not only press themselves into notice, but suggest many others.

Second, the more ideal statements of Socialism

exhibit a breadth of treatment which, while it strengthens the argument involved, also clearly marks them off from many extreme yet popular demands. "Just as democracy," it has been said, "is the most difficult form of government, Socialism is the most difficult form of industry, because, like democracy, it requires the operation of ideas; and the test of the perfection of Socialist machinery is just its capacity to give to the routine industries of the community that spirit and temper which are the note of the freest and highest work. Apart from this atmosphere of interest and purpose, the State and municipality are distinctly inferior as employers of labour, and the history of the co-operative movement itself provides a series of object-lessons in the divorce of machinery from ideas. . . . On the other hand, if it has sufficient groundwork in moral and intellectual conditions, then the material organisation itself helps to create the character it presupposes, and it will be educative in proportion as the employé of the community feels his social recognition, in a raised standard of life all round —shorter hours, dignity and continuity of status, direct responsibility. It cannot be said that Socialists are insensible to the amount of education — in ideas and character — that is required before any sensible

advance can be made in the direction of co-operative industry. On the other hand, they do not believe that grapes can grow upon thorns: they believe that things make their own morality. The idea of industry is what institutions make it; it is impossible to put the social idea into institutions which make for the artificial preservation and encouragement of an antagonistic idea—the plutocratic ideal; and it is impossible to get it out of them. It is not enough to modify the bias of the individualistic organisation of society: that organisation itself makes the whole idea of the organisation of society on the basis of service or labour 'the baseless fabric of a vision.' . . . How is a man who depends for his employment upon a mechanism he can in no wise control or count upon, and upon the ability of a particular employer to maintain himself against rivals, enabled to realise a definite position in the social structure? What he does feel, for the most part, is that he is dependent on a system in which the element of chance is incalculable, and it is just this feeling that makes for a materialistic and hand-to-mouth conception of life. Or, what is there in the economic structure of society which suggests to the employer or the capitalist that their *raison d'être* is not so much to

make a fortune as to fulfil a function? In what way, in a word, does the individualistic organisation of industry make for the extension of the sense of duty which a man owes to society at large? Moral ideas must at least have a basis in the concrete relations of life."[1]

Arguments in this strain are undoubtedly very powerful. It is impossible to consider them briefly yet adequately. But one or two points will at once present themselves. We have, to begin with, the difficulty, which must exist on any system, of creating an adequate and self-conscious social interest and purpose. Can State machinery, in view of this difficulty, be allowed to deal with practically the whole of life? Is not the warning contained in the admission just quoted, of the necessary failure of

[1] Sydney Ball in the *Internat. Journ. of Ethics*, vol. vi. No. 3, pp. 306, 307. Contrast, *e.g.*, the following conclusions as to Socialism in the United States. "1. The Trade Unionists of the United States have thus far shown themselves as a whole indifferent to or averse from Socialism. They look to the existing order, or to conditions slowly evolved from it, for the advancement of their interests. 2. It is a fact of greater consequence that they have shown the intelligence necessary to discriminate sharply between two economic policies—the narrower policy of State railways, municipal gasworks, etc., and the wide policy of outright Socialism—accepting the one and rejecting the other" (A. P. Winston in the *Contemporary Review*, Jan. 1900, p. 115).

State and municipal working, apart from interest and purpose, a very grave one? Then we have the idea that things make their own morality. So they do—when vitalised by the moral spirit. But the fact that men can sometimes be improved by merely improving the material conditions of life, though a fact of significance, is a truth which works within narrow limits. The emphasis which is laid on the existing state of society being purely individualistic is, however, perhaps the chief point to be observed. We must submit here that the individualism attributed to society is exaggerated. In the passage quoted the stress, of course, is laid on society's economic structure. But even the most economically individualistic portion of the social structure seems to lose its extreme individualism upon close scrutiny; because it reveals its relation to something else. It is at least a very plausible idea that that portion protects self-dependence, energy, forethought; and these qualities are not necessarily individualistic in a bad sense. In short, that portion is only a part of a whole, and is dominated logically by the idea of the whole. Perhaps the most popular objection to the majority of socialistic schemes is that, in some form, they would foster laziness. And, however common-

place it may sound, it is a very persistent objection. No doubt, by a severe system of social surgery, the attempt might be made, under Socialism, to get rid of inefficiency in all its forms. But that system would be extremely difficult to work. Such questions, however, must be left to the reader's own reflection: we must pass on.

Clearly, political order must be respected in the State. Rebellion and acts equivalent to it are politically suppressed in the interests of order. Repression, too, is often directed against certain forms of association, meeting, and discussion, which are hostile to the government, or, in a free political atmosphere, which violently threaten its existence.[1] Apart from the question of a merely temporary breach of the peace which meetings and the like may involve, the risk which the political machinery incurs must be taken into consideration. On the other hand, it must be pointed out that existing methods of machinery are not of such vital importance to the State as the life of its citizens. We customarily affirm, without hesitation, the political legitimacy of

[1] On the right of public meeting and discussion in England, see Professor Dicey's *Law of the Constitution*, chs. vi. and vii., App. V. It is, of course, difficult to rationalise positive law on these points. Here we are only dealing with principles.

reforms conducted by constitutional means, and the desirability of public criticism, conducted on similar lines. We hesitate to encourage violence and lawlessness. And the main principle which guides us is that society must not be rudely disorganised; that its cohesive strength must not be stretched beyond what it can bear. But such general considerations do not, of course, militate against the ultimate fact that the people may, in certain circumstances, have a moral right to rebel against a corrupt or oppressive government.[1]

And we are thus led to consider the question of freedom of thought and discussion, which is important from our general standpoint. The claim of toleration is rendered somewhat a difficult one to defend, by the cross-fire to which it may be subjected from different points of view. The ethical appeal to the sense of the

[1] The following is an interesting statement in favour of a moral right of assassination. "Circumstances are possible in which even assassination becomes legitimate. They may arise if it is the personality of a single individual which dominates a nation, and, above all, if his rule is marked by excesses of cruelty. . . . The ruler is in such cases truly an outlaw, whose execution would be decreed by a legal tribunal, if it could be empanelled for his trial, and those who execute the decree are not less warranted in exceptional circumstances by the fact that it is not under the seal of government" (Kinnear's *Principles of Civil Government*, pp. 16, 17).

average man in support of free toleration granted by the State for discussion on speculative matters (which involves freedom of thought) is widely recognised. It comes into conflict, *qua* religion, with those religious tendencies which, in their endeavour to obtain conformity to given standards, call upon the State for coercive aid. A broader view of the duties of religion than was previously taken, and a conviction of the evil, and, in large measure, the impotence of State persecution, have weakened such tendencies in modern times. The tendency towards social as opposed to political pressure, however, is hardly in the same category; though that seems to be less and less relied on as a suitable weapon for defending religion. On the other hand, the fundamentals of morality in action are strongly insisted on by public opinion, and, when necessary, enforced by means of the criminal law without scruple. And the force of public opinion makes itself felt in exerting social pressure on private opinion, as opposed to acts, when its expression aims at the defiance of widely recognised moral principles, especially when a random and merely destructive defiance is involved. Ethics, therefore, may appear to be open to the reproach of maintaining its own principles by force, while it allows free scope to the

opponents of its neighbours. But this argument is really of little moment. Practical morality is bound up with the essentials of social life in a way that clearly differentiates it from religion. Ethical speculation must, on a principle of toleration, be permitted so far as it does not interfere destructively with the common duties of life. No doubt it is exceedingly difficult to say where the enforceable duties of life end, and how our views of them are to be gradually improved, but that difficulty must be faced. It is always being pressed home to us.

The conflict between the idea of toleration and that of political supremacy, again, is perhaps not so often discussed. Nevertheless, there is possibly a tendency on the part of the politician to meet unpopular political beliefs with harsher measures than the moralist, though he may admit the necessity for preserving the State, is inclined to justify. The difference in the two points of view always tends to reveal itself. The moralist looks beyond the State, the politician looks at it.

Perhaps the maxims now currently accepted as regards toleration might be thus summed up:—That free discussion, if carried on decorously and among competent persons, stimulates truth; that some social pressure exerted against those who hold and propagate

unpopular opinions is, as yet at anyrate, a necessity, but ought to be very carefully guarded; that legal persecution in the cause of religious and speculative ethical truth is quite unjustifiable; that crime must be repressed, and public opinion brought strongly to bear against individual deviations from the fundamental rules of social morality, especially (some would say exclusively) when they take the form of acts; and that some latitude must be allowed to the State in its endeavour to preserve its own stability.[1] The second of these points, as the reader will see, is that most open to criticism.

We have now reached the end of our inquiry. It lies, as the reader will have perceived, at the lower limits of theoretical ethics—if we conceive the relation of theoretical to the more practical treatment of ethics

[1] As regards religious toleration, the view to which expression is so often given, that religious organisations should be left to fight out their own differences in a fair field, is doubtless, in one sense, sceptical. Locke, for example, argues that the controversy of the Churches about the truth of their doctrines and the purity of their worship is on both sides equal; nor is there any judge, either at Constantinople or elsewhere upon earth, by whose sentence it can be determined (1st Letter on Toleration). But, of course, the idea is quite compatible with the view that truth will ultimately prevail. On the other hand, it is possible to vindicate religious toleration by boldly advancing the proposition that the essential principle of true religion is antagonistic to the employment of force in its propagation.

to be one of degree. We have endeavoured to select those aspects of our subject which have most interest for one who is prepared to follow our general course and to accept its limitations.

In more practical spheres, the prevalence of comparative methods of inquiry ought to be noticed. The study of comparative jurisprudence, and especially of comparative legislation, may be instanced as holding an honourable place amid attempts to investigate social phenomena in a way that has a direct meaning for life. Wide as the subject is, it is full of interest; while particular portions of it appeal powerfully to special tastes or directions of thought. It would be foolish, we admit, to make the demand for so technical a study too wide a one. It must be moderately expressed. The point is, however, that while comparative investigation no doubt greatly adds to the complications which a burning question involves, even a little of it is well-spent labour.

In all cases it is necessary to go beyond the mere enactments to the details of the social facts amid which they work. We would not have it supposed that it were otherwise. The Temperance problem may be considered to make such a demand with special clearness. In studying Truck legislation, again, in order

to arrive at an idea of the measure of protection given by any Act to the workman, it is necessary to know relevant details regarding the particular social and industrial order in which he lives. Nevertheless, our powers of assimilation being limited, an instructive light may be thrown on the common needs of many men by the enactments.

Similarly, sociological investigations of any modern institution are of great importance. They demand much labour on the part of the original investigator; but the labour bears fruit. It is true that, if our knowledge is gained at second-hand, we shall probably obtain a more adequate idea of the way in which an institution varies than of the variations to be traced in its environments. Yet even such knowledge is useful.

Contrasted with such undertakings—if we set aside moral rules, which, luckily, always will "up and mean something or other" when defied too boldly, and have been previously considered at length—we have those flashes of insight and spiritual thought in which modern imaginative literature abounds. Green, it may be remembered, noticed them—almost complained of the prestige given to them—in the Introduction to his well-known *Prolegomena*; and we have already

referred to them in a wider connection. There is little doubt that the hints thus vouchsafed us have great value. "Nerve us with incessant affirmatives," said Emerson. Even the stimulus to general attention to moral possibilities may be given in this manner; as in the injunction to "welcome each rebuff" of "Rabbi Ben Ezra." It is true, indeed, that moral defects are by almost common agreement to be found in the modern range of feeling. Its freedom tends to foster looseness. Its subjectivity has become its danger. It is not clear that, even if feeling adapts itself to the contents of a morally fine character, the subjective interest may not so overload the result as to render it unhealthy. But the philosophising tendency is, of course, very apparent in these imaginative regions. Thought works its way to the top. It throws out ideas; it applies them persuasively to life. Nay, it does more. Poetry often hardens into philosophy; and we must remember how philosophical many of our finest "moral" poems are, if we are to avoid the danger of undervaluing reflection and system in relation to moral insight.

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